Secretary of State.
JUL 8 1896

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE.

No. 22.

MAIL BUREAU
RECD.
JUL 8 1896
DEPT. OF STATE

U. S. Consulate General,
Havana, July 1, 1896.

Acknd. July 13.
A.C.R. Ack
R.O.

Mr. Lee
to the
Department of State.

Enclosing translation of an extract from "La Lucha" relative to unauthorized statements made by Mr. William Ryan and published in the "New York World."

1 Enclosure.

No. 22.

U.S. Consulate General,
Havana, July 1st, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to submit to the Department a translation of an extract from "La Lucha," 1/ of this city, relative to the unauthorized statements made by Mr. William Ryan, and published in the "New York World."

I am,
Sir,

Sir,

Very respectfully,
Your obedient servant,
[signature]
Consul General.

1 Enclosure:
No. 1. Translation of extract
referred to.

Enclosure No. 1

With Despatch No. 22

H A V A N A , July 15, 1896.

TRANSLATION.

From LA LUCHA of Havana, June 30, 1896.

------ -o- ------

WITH MR. LEE.

Desiring to ascertain the truth with respect to the declarations made by Mr. William Ryan to a reporter of the New York WORLD, which we published yesterday, relative to certain matters connected with the actual insurrection and in which the name of the Consul general of the United States, general Fitzhugh Lee, appeared, we sent yesterday one of our staff to call on the respectable American Consul for that purpose.

- - - - - -

- - - - - -

As a result of this interview we are authorized to state the following:

That Mr. Ryan was not a guest of general Lee in this city, and that they did not come together to this Island as has been said.

That no confidential relations regarding public or official matters existed between the General and Mr. Ryan.

That Mr. Ryan was not the bearer of either official

or confidential despatches addressed to the President or to the Secretary of State of the United States.

That Mr.Ryan holds no public trust dependent on the Department of State at Washington.

That it is to be believed that the account given by Mr.Ryan, and published in the New York papers, of having seen Maceo, etc. etc., can only be attributed to a trick played on him, in order to chaff him, by the reporters of the New York and Havana newspapers, and, finally, that whatever Mr.Ryan may say or publish, should be considered as exclusively personal, without mixing in his fantastic tales any other person and much less that of Mr.Lee, who is ready to act in the performance of his duties with the gravity demanded by his high office.

1.3.V.94
ALL LINEN

or confidential despatches addressed to the President or to the Secretary of State of the United States.

That Mr.Ryan holds no public trust dependent on the Department of State at Washington.

That it is to be believed that the account given by Mr.Ryan, and published in the New York papers, of having seen Maceo, etc. etc., can only be attributed to a trick played on him, in order to chaff him, by the reporters of the New York and Havana newspapers, and, finally, that whatever Mr.Ryan may say or publish, should be considered as exclusively personal, without mixing in his fantastic tales any other person and much less that of Mr.Lee, who is ready to act in the performance of his duties with the gravity demanded by his high office.

1894
M.L. LINEN

Enclosure no. 1
With Despatch no. 22
Havana, July 30, 1896

LA LUCHA.
Habana, martes 30 de junio de 1896.—

Con Mr. Lee.

Deseosos de averiguar el grado de verdad que tuvieran las manifestaciones hechas por Mr. William Ryan, á un *reporter* del diario de Nueva York, *The World*, y que publicamos ayer, acerca de ciertos particulares relacionados con la actual insurrección y en las cuales se mezclaba el nombre del Cónsul general de los Estados Unidos en ésta, general Mr. Fitzhugh Lee, ayer comisionamos á un redactor nuestro para que visitara al respetable Cónsul americano con aquel propósito.

Con amabilidad exquisita trató Mr. Lee, por exigirlo así la circunspección que debía guardar por razón de su cargo, de encerrarse en un silencio absoluto, el cual rompió, por lo excepcional del caso y lo extravagante que consideraba las manifestaciones de Mr. Ryan.

Como resultado de esa conferencia podemos afirmar autorizadamente:

Que Mr. Ryan no era huésped en esta ciudad del general Lee, y que no vinieron juntos á esta isla como se ha dicho.

Que no existían entre dicho general y aquel caballero relaciones confidenciales sobre los asuntos de carácter público ú oficial, no siendo cierto que el general Lee lo despidiera á bordo el día que se marchó.

Que Mr. Ryan no fué portador, hasta Washington, de despachos del cónsul Lee, oficiales ni reservados, para el presidente de la república ni para el Secretario de Estado.

Que Mr. Ryan no desempeña ningún cargo público dependiente del Departamento de Estado en Washington.

Que puede suponerse que el *reportage* de Mr. Ryan, según se ha publicado en los periódicos de Nueva York, de haber visto á Maceo, etc., solo obedeció á una mala jugada que le hicieron para embromarlo y reirse de él los *reporters* de los periódicos de Nueva York en la Habana, y, por último, que cualquier cosa que diga ó publique Mr. Ryan, debe ser considerado como suyo exclusivamente, sin envolver en sus fantásticas narraciones á ninguna otra persona y, mucho menos, á quien, como Mr. Lee, está dispuesto á proceder en el desempeño de sus funciones con la seriedad que demanda el alto cargo que desempeña.

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE

Secretary of State.
JUL 8 1896

No. 23.

U.S. Consulate General.

INDEX BUREAU
RECD.
JUL 7 1896
DEPT. of STATE

Havana, July 1st, 1896.

Mr. Lee

Letter July 13. Ltd. Rpt R.O.

to the

Department of State.

Submitting the estimate of expenses and receipts of the Island of Cuba for the fiscal year 1896/97.

No. 23.

U. S. Consulate General.
Havana, July 1st 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to call your attention to the fact that in the estimate of expenses of the Island of Cuba for the fiscal year of 1896/97, submitted to the Cortes by the Minister of the Colonies, the amount designated is $ 28.583.132

and

and the receipts are said to be $27.980.610, this shows a deficit of $602.522.

I am informed that the full amount of the expense account, War, Marine, and Civil, should be $74.000.000, so that the amount of deficit given is not correct. It will also be noticed that the taxes on real estate in Cuba are increased 18 per cent, and those on industries 15 per cent. A scale is established with respect to the discounts suffered

Suffered by government employees as follows: 10 %. will be discounted on salaries not exceeding $750; 15 %. on those not exceeding $3.000, and 20 %. on the rest. Stamps paper and other revenue stamps are increased 50 %. The duties on cattle consumption revert to the State, and four cents per Kilo is to be charged on scrap meat. The city Councils of the Island are authorized to increase the taxes on cattle consumption 100 %.

100 %. A tax of 2 %.
on the value of manu-
factured tobacco for
Cuban consumption
is established.

All of which is
respectfully submitted
to show that the condition
of the inhabitants of the
Island of Cuba is
growing worse day
by day.

I am, Sir,
Very respectfully,
Your obedient servant,
Fitzhugh Lee
Consul General.

TELEGRAM RECEIVED IN CIPHER.

From Havana, July 1, 1896.

Secretary of State.
JUL 6 1896

Rec'd. 8.20 P/m.

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE

Secretary of State,

Washington.

Captain General states that he has not issued order against exports fruit but only in the exercise of his undoubted right the same in peace as in war has ordered subports Banes and Sama closed to commerce. Has heard already French and Norwegian Consuls upon the subject and granted extension for the month of June and has informed his (?) merchant(vessels) vessels must enter and clear at Gibara direct.

Fitzhugh Lee

Consul Heneral.

Biddle.

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
JUL 7 1896
DEPT. OF STATE

No. 24.

U.S. Consulate General.
Habana, July 2nd 1896.

Mr. Lee
to the
Department of State.

Rec'd July 15. Bad
Ack'd July 15. Bad
W.P.

Answering Department's instruction No. 10 of the 11th ultimo relative to the "Central Casanova" plantations near this City.

One enclosure.

No. 24.

U. S. Consulate General,
Havana, July 2d, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

With reference to the Department's instruction No. 10 of the 11th ultimo directing me to ask the Spanish authorities to protect the "Central Casa-nova" plantation near this city, in accordance with the request contained in

in Mrs. E. L. Mussey's
letter, I now beg to
enclose a copy - trans-
lation of the communi-
cation I addressed yes-
terday to the Governor
and Captain General of
this Island in compliance
with the said instruction.

I am, Sir,

Very respectfully,
Your obedient servant,
Fitzhugh Lee
Consul General.

One inclosure:
No. 1. Copy - translation referred to.

Enclosure No. 1.

With Despatch No. 24.

HAVANA, July 2, 1896.

COPY-TRANSLATION.

U.S.Consulate General.

Havana, July 1, 1896.

To His Excellency the Governor and Captain General

of the Island of Cuba.

Excellency:

With reference to the communications addressed by my predecessor, Mr. Williams, to Your Excellency dated, respectively, the 4th and 11th of May last, relative to the American citizen Mr. Pedro Casanova, joint owner of the sugar estate "Central Casanova", situated at San Miguel de Jaruco, province of Habana; which plantation, according to his statement, Mr. Casanova was compelled to abandon in consequence of certain outrages committed by spanish troops lead by captain Cerezo Martinez, belonging to a column then under the command of Major Fonsdeviela, and which acts caused Mr. Casanova to extend the proper protests at this Consulate General, I now have the honor, in compliance with instructions from my Government, to ask Your Excellency to please appoint a person to guard and protect the said estate until it may be safe for the owners to send their agents or return themselves to this Island, in view of Mr. Casanova having been compelled by

force, as he states, to abandon a property of which he, as well as other American citizens are owners, thereby leaving unprotected valuable American interests.

I avail myself of the occasion to reiterate to Your Excellency the assurances of my most distinguished consideration and highest respect.

(Signed) Fitzhugh Lee.

Consul General.

ALL LINEN

CRANE'S

DIPLOMATIC
JUL 21 1896
BUREAU.

Affairs

ASSISTANT SECRETARY
JUL 8 1896
DEPARTMENT OF STATE.

No 25.

INDEX BUREAU
REC'D.
JUL 8 1896
DEPT. OF STATE

U. S. Consulate General.

Habana. July 3 1896.

Mr. Lee

to the

Department of State.

Rec'd July 21/96

Transmitting a claim for indemnity, against Spanish Government, of Mr William W. Gay.

One enclosure.

No: 25.

U. S. Consulate General

Habana. July 3 1896.

Hon: William W. Rockhill.

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to transmit herewith an exact copy of the petition of Mr. William W. Gay, presented by his attorney Bradley T. Johnson, Esq in which is embodied a claim against the Spanish Government for indemnity

for loss and damage caused
him by expulsion from this
Island, of twenty five
thousand dollars.

I am, Sir, very respectfully
your obedient servant,

Consul General.

One enclosure:
copy of claim referred to.

Enclosure No.1.

With Despatch No.25.

H A B A N A, July 3.1896.

COPY.

The Petition of William W.Gay respectfully shows that he is a native citizen of New York & of the United States; that his business & avocation is writing, reporting for & corresponding with newspapers in the United States;

That he was employed more than a month ago to come to Cuba as correspondent for the New York World, a newspaper second to none in circulation & influence in the world; He came here & attended to his business to the satisfaction of his employers, & was earning a good support for himself, his wife & his three little children until on June 23d. Gen'l. Weyler, Captain General of Cuba, issued an order that he should leave the Island by the next steamer going to the United States which left the next day; That by the intervention of Gen'l. Fitzhugh Lee, U.S. Consul General, the time of his departure was extended by the Chief of Police until Saturday June 27th. when he left the Island on the Ward Line steamer Orizaba.

He shows that his business has been broken up; his employment as correspondent for the World in Cuba has been taken from him & he & his family have incurred great loss and damage and he claims that the Government of Spain must pay him twenty five thousand dollars indemnity for the damage & injury thus done to him.

W.W.Gay
by Bradley T.Johnson.
his Atty.

ASSISTANT SECRETARY
JUL 8 1896
DEPARTMENT OF STATE.

DIPLOMATIC
JUL 21 1896
BUREAU.

No. 26.

INDEX BUREAU
REC'D.
JUL 8 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, July 3d 1896.

Mr. Lee
to the
Department of State

Inc. to Spain July 21/96

Transmitting a claim for indemnity, against Spanish Government, of Mr. Thomas R. Dawley.

One enclosure.

No. 26.

U. S. Consulate General.
Habana, July 3 1896.

Hon: William W. Rockhill,
Assistant Secretary of State.
Washington.
D. C.

Sir:

I have the honor to transmit herewith an exact copy of the petition of Mr: Thomas R. Dawley, prescuted by his attorney Bradley T. Johnson, Esq in which is embodied a claim against the Spanish Government for indemnity

for loss and injury caused him by frequent arrests in this Island, and expulsion therefrom, of one hundred thousand dollars.

I am, Sir, very respectfully,
your obedient servant,

Fitzgerald
Consul General.

One enclosure:
Copy of claim referred to.

Enclosure No.1.

With Despatch No.26.

H A B A N A, July 3.1896.

COPY.

Thos.R.Dawley, Jr., native of N.Y.City, was correspondent for Harpers Weekly in Cuba, came to Cuba on Feby.12/96 on his lawful business for the purpose of furnishing views and sketches of scenes, persons and characters for Harper by photographs, drawings and writing

About 24.March was arrested at El Barradorro near Cardenas, by the military authority, after a short detention he was discharged - no accusation having made against him; twice in Santa Clara a week later with same result.

Next arrest was in Alphonze XII in the Southern part Province of Matanzas, baggage searched by guerillas of the Spanish troops.

Again arrested in La Union, Matanzas; released & re-arrested & taken to Matanzas on charge of being in conspiracy to blow up the town of Matanzas with dynamite. Released from that, arrested twice at Artemisa as a suspicious character I suppose, for no specific charge having been made.

Next, arrested at Artemisa by order of Gen'l. Melguizo, searched, part of his property stolen, tied up by twine which cut his arms so as to inflict great pain, threatened with death & driven thus tied at the point of the musket to the Morro Castle where he was incarcerated in a dungeon thirteen days. His counsel Gen'l.Bradley T.Johnson made frequent & urgent efforts to see him. He personally delivered to Gen'l.Weyler a note from Gen'l

Lee, U.S. Consul General, asking Gen'l. Weyler for a pass to go to the prison where his client was confined for the purpose of consulting & advising with him, but Gen'l. Weyler refused saying that it is against the laws for any foreigner to be admitted into the Morro in time of war. No one was allowed to visit him, Dawley, and after the delay of thirteen days he was released, without charge or accusation. During all these extraordinary proceedings he avers that he has never violated any law at all. He was charged in a general way of having taken photographs of forts & fortifications. This is only part of the truth, for in taking groups of officers & soldiers in their various camps sometimes parts of a fort or fortification would appear in the background, but he insists that these views never did & never could afford intelligence to the enemy, for they were never made public until weeks after they were taken, when they could be of no service.

He is a peaceable, law-abiding American Citizen, pursuing his business in the Island of Cuba to support his wife & children as he had a perfect right to do. He has been greatly injured, and he demands an indemnity from Spain of One Hundred Thousand Dollars

Thos. R. Dawley, Jr.

by Bradley T. Johnson

his Attorney.

Com. Bur.

Ark. [illegible]

ASSISTANT SECRETARY
JUL 8 1896
DEPARTMENT OF STATE

No 27.

INDEX BUREAU
REC'D.
JUL 8 1896
DEPT. OF STATE

U. S. Consulate General.

Habana, July 3rd 1896

Rec'd July 13.

Mr. Lee

to the

Secretary of State.

Requesting that his reports may not be given to the public.

No: 27

U. S. Consulate General.
Habana, July 3rd 1896.

Hon. Richard Olney.
Secretary of State.
Washington.
D. C.

Sir:

I have the honor to suggest, if not contrary to any purpose or plan of the Government, that anything that I have written or may write, that could be interpreted as a reflection upon the Spanish Government or Spanish arms, may not

be given to the public.

It will be readily perceived that if my relations with the Spanish authorities, now cordial, become strained, my ability and influence in protecting the interests of American citizens will be proportionately decreased.

I am, Sir.

Very respectfully

Your obedient servant,

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE

No. 28.

U.S. Consulate General.
Havana, July 3rd 1896.

INDEX BUREAU
RECD.
JUL 10 1896
DEPT. OF STATE

Mr. Lee
to the
Department of State.

Relative to the order
prohibiting the exportation
of baled tobacco.

No. 28.

U.S. Consulate General.
Havana, July 3, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

It will be remembered that the Government here issued an order prohibiting the exportation of baled tobacco; this order of course decreased the revenue of the Government, but was favorable to the cigar manufacturers

of

of Havana. The said manufacturers, therefore, offered to pay the Government $50.000 for the loss of any revenue they might sustain for the months of May and June, this amount being based upon the average revenue of those months for the past three years.

The manufacturers are willing to pay the $50.000 for the above period provided the Government will raise the export duties for the future and thus be re-imbursed in that way.

way; but the Government insists that the manufacturers continue the payment on the estimated export duties of former years. This the manufacturers have declined to do, and if the Government insists upon its decision the cigar factories will be closed throwing thousands of men out of employment. The £50.000 have been deposited pending the governmental decision, but not with the Government as requested, but with Mr Bock, the manager

manager of Henry Clay
and Bock and Company
Limited cigar factory.

This is another
evidence of the want of
confidence in the authorities
here, - the cigar manu-
facturers can trust one
of their own number
to return their money
in case their proposi-
tion is not accepted,
but they are afraid to
trust the Government.

I am, Sir,

Very respectfully,

Your obedient servant,

Consul General

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE

No. 29.

U.S. Consulate General,
Havana, July 3, 1896.

INDEX BUREAU
REC'D.
JUL 10 1896
DEPT. OF STATE

Mr Lee

to the

Department of State.

Relative to the estimate of expenses for the fiscal year 1896/97, of the Island of Cuba.

No. 29.

U.S. Consulate General.
Havana, July 3, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In the estimate of
expenses for the fiscal
year beginning on the
1st of July there has been,
as you may have noticed
in my despatch nº 23,
of the 1st instant, a large
increase of taxes on
the people of this Island.

This

This action has given intense dissatisfaction to all engaged in business or who are property owners, whether Cuban or Spaniards, and adds greatly to the many disturbing elements already in force and which must sooner or later produce disaster.

I have also received information from high Spanish authority confirming what I had previously been told: that the recent reinforcements to the Spanish troops here are men who have been

been liberated from the jails and penitentiaries of Spain. I beg to add that in the jail of this city there are 1400 prisoners, and in the "Morro" and "La Cabaña" 720 political prisoners.

Connecting these statements with the governmental course pursued as to taxes, etc., induces thoughtful men to compare the City and rest of the Island to a huge volcano within whose limits fierce fires are raging, which must in the near future produce

produce an eruption.

I am, Sir,

Very respectfully,

Your obedient servant,

Consul General.

Secretary of State.
JUL 10 1896

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE

No 30.

INDEX BUREAU
RECD.
JUL 10 1896
DEPT. of STATE

U. S. Consulate General.
Habana, July 4th 1896.

Mr. Lee

to the

Secretary of State.

Condition of Cuba.

No: 30.

U. S. Consulate General.
Habana. July 4th 1896.

Hon: Richard Olney.
Secretary of State.
Washington
D.C.

Sir:

Your attention has of course been called to the debate in the Cortes at Madrid, on the question of reforms to be granted to Cuba

Canovas has planted himself in and apparently must stand on the ground that no reforms can be

granted to Cuba until the
arms of the insurgents are
grounded. My advices
indicate this means, any
other course will carry
with it the downfall of
the present ministry.

Reforms to a certain extent
were granted Porto Rico and
Cuba a year ago, there
has been no war in Porto Rico,
but there have been no
reforms. No one here expects
reforms to be granted in
whole or in part, and no
one expects the insurgents
to accept them on any
terms if they were tendered.

The offices here are daily

filled with property owners
who complain of arson,
pillage and murder.
Two of the most respectable
and well known men
in the city have just in-
formed me that the build-
ings, &c, of two large plan-
tations, - one in Matanzas
Province and one in Pinar
del Rio, have been destroyed
by Spanish troops. The owner
of the Matanzas place says
twenty seven buildings were
burned. The owner of the
other is of the firm of
Hidalgo & Co, bankers and
agents of the Ward Line
of New York steamships.

Both are men without fear and without reproach.

Many of the Spaniards admit that there are but two courses now left to them, war with the United States or an ignoble surrender to the demands of the insurgents, involving the hauling down of the Spanish flag and evacuation of the Island by the Spanish troops. Of the two the former course will be chosen, because, as they say, they can then lose the Island with honor.

All of which is submitted) that you may

be able to compare it with other information you have on the subject.

I am, Sir.

Very respectfully,
Your obedient servant,

F. Fitzhugh Lee

Consul General.

Y.

Con. Bur

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE.

No 31.

U. S. Consulate General
Habana, July 4th 1896.

INDEX BUREAU
REC'D
JUL 10 1896
DEPT OF STATE

Am Consular
Cons & Dipl Bur
July 17

Mr. Lee

to the

Department of State.

Concerning the appointment of a deputy Consul general, - and transmitting Mr. Springer's bond of Vice and Deputy Consul General.

One enclosure.

No: 31.

U. S. Consulate General.
Habana. July 4th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State.
Washington.
D.C.

Sir:

I have the honor to acknowledge receipt of the Department's instruction No. 15, of the 24th ultimo, covering a bond to be executed by Mr. Joseph A. Springer, upon his appointment as Vice and Deputy Consul General at Habana.

With reference to my despatch in which I recommended the appointment of Mr. Springer to that office, and re-nominated Mr. Sauther Dolz to be continued as Deputy Consul general, and to the instruction of the Department to report, if in view of Mr. Springer's appointment, I need also a deputy consul general, — I have the honor to state, that before making the said nomination, I had ascertained by examination of the official register, that of the 38 consulates general, the greater part of which

have deputy officers, seven have a Deputy Consul general in addition to a Vice and deputy consul general, and but two of said consulates,— Paris and London,— receive larger official fees than Habana. Of the principal consulates that receive large fees, quite a number have in addition to a Vice and Deputy Consul, a deputy consul as well.

Mr. Sanchez Dobz' services in this office would consist mainly of the acknowledgement of letters, the verification of invoice and signing of other routine documents,

and would afford considerable relief to the principal officers in the dispatch of current and often urgent business.

I herewith return Mr. Springer's bond duly executed.

I am, Sir

Very respectfully

Your obedient servant,

Consul General.

Enclosure;

Mr. Springer's bond, referred to.

Cons. Bur.

Granted

No 32.

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
JUL 10 1896
DEPT. OF STATE

U. S. Consulate General

Habana, July 4 1896

Mr. Lee

Rec'd July 13.

to the

Department of State

Requesting permission to subscribe to sundry Habana daily newspapers.

No. 32.

U. S. Consulate General
Habana, July 4th 1896.

Hon: William W. Rockhill
Assistant Secretary of State
Washington.
D.C.

Sir:

I have the honor to request permission of the Department, to renew the subscription of this office to the following Habana dailies:

"Diario de la Marina", official;
"El Pais", autonomist.
"La Lucha", Republican.

all of which are needed to
keep this office advised of
current events.

The expense will be less
than fifteen dollars per quarter.

I am, Sir,

Very respectfully

Your obedient servant,

Consul General.

Ans. 8 July 96

Consulate General of the United States.

ASSISTANT SECRETARY
JUL 8 1896
DEPARTMENT OF STATE

Consulate. Habana, July 4 1896

My dear Mr. Rockhill.

I wish you would help me to straighten out this office so that every thing will run smoothly and satisfactorily to all concerned.

The salaried officers to be paid are as follows.

Geo. Springer - Rockwell.

no trouble about that.

"

Then there is an allowance of $2000 for clerk hire - per annum.

This is not enough. Should be $3000.

Two clerks are employed & paid the 2000. viz Sanchez Poiz and a Mr Crane both of whom I personally - the latter

2. [illegible] taken Mr Alberteria's place - but there should be an allowance for a third clerk @ 1000 per annum - I found a third clerk here a Mr. Tosca - a most useful man - understands & talks Spanish of course & thoroughly understands English is familiar with the Spanish expressions & modes of letter writing & therefore conducts my correspondence with the Authorities -

There was an appropriation of $500 for messenger service which Mr Williams turned over to me & supplemented it out of his own pocket & remains a claimant for its return -

I do not think that is the way to do business -

Tosca should be paid in some way in addition by the Government & I suppose the amount 2000

3

is fixed & cannot be changed except by estimates for another year —

Now. when in N. I told you it was necessary for me to have a man I know — one absolutely safe. courageous & true. to act as a sort of A. D. C. or private Sec. you told me you could give me 1200 & take it out of messenger contingent funds. not 1000. than you again in your hand 1200. acting on that I promised a Mr. T. Alexander Jones if he would perform that service I would give him $100 per month. He accepted & has been here a month & fills the peculiar place demanded.

I am charged with getting information political & military for the Dept & am today in receipt of a letter from the Secretary of State asking me to get answers to certain questions he sends. I cannot in person get it — for obvious reasons nor can I take clerks from their desks — or two of them — I do all such work through my detectives so called —

There are so many claims & so much extra business the result of state of war — I am obliged to have Tosca but do not see how Tosca & ones who can be paid out of a messenger allowance of 1000 — which takes effect according to your letter of May 20 — no 7 on 1st July — Can it not be arranged to let $1000 stay as it is for messenger service — with which I can pay Tosca — and keep me allowed 1200 per annum beginning June 1st for "secret service" —

I am charged with delicate

5.

instant decreed functions
additional to my regular
Consular duties.
I sent the man away
& must discharge him
after bringing him away from
here.
I applied for a young army
officer. & he was granted - but
afterwards for certain reasons
the order was countermanded.
The information I am giving
U.S. at is worth more than
12 cts to the Government.
It is an additional proving not
of a condition which exists
here. but nowhere else.
Now Mr Rockhill & Mr Sullo
will see this is done now
& I promise to discharge
satisfactorily all duties
confided to me - Yours truly
Fitzhugh Lee

Habana July 4. 1896.

Consulate General of the United States.

Habana, July 15 - 1896

Mayor Mc Rockhill

Your letter 8th inst
rec'd. As the steamer is
about to sail I write a
line to say that it is
very satisfactory & clear
I have everything
I desire to carry on
my work here -
Accept my thanks
for your prompt attention
& believe me very sincerely yrs
Fitzhugh Lee

Copy.

Mr Taisman

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE.

No 33.

U. S. Consulate General

INDEX BUREAU
REC'D.
JUL 10 1896
DEPT. OF STATE

Habana. July 4th 1896.

Rec'd July 13.

Mr. Lee

to the

Department of State

Transmitting a paper signed by Bradley T. Johnson, Esq. regarding the registration of the wife and children of Mr Manuel A Delaer, a citizen of the United States -

One enclosure.

Consular Bureau,

DEPARTMENT OF STATE.
Office Received
May 1 1896

May that the Dept. perceives no reason for departing from its former ruling which is accordance with long existing precedent.

WLT

No: 33

U. S. Consulate General.
Habana, July 4 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington
D. C.

Sir:

At the request of
Bradley T. Johnson, Esq
I transmit herewith a paper
regarding the registration
in the register of citizens
kept in this office, of the
wife and children of
Mr. Manuel A. Pelaez, a
naturalized citizen of the

United States. resident in this city.

I am. Sir.

Very respectfully

Your obedient servant

Donald Cameron.

One inclosure;

Paper referred to;

Enclosure
with Despatch No 33
Habana July 4/96.

Havana, July 4, 1896.

To the Hon. Richard Olney,

Secretary of State,

U.S.A .

Sir: I have the honor to state to the Department:

That Mr. Manuel Alonzo Pelaez, was naturalized in the United States, Rensalaer County Court of Troy New York on the 4th day of December 1874, and has never since that date been naturalized in any other country. He was born in Cuba, and graduated as Civil Engineer at the Polytechnic Institute of Troy in 1873. Being unable on account of his health to reside and labor at his profession there, as Civil Engineer, in 1877 he returned to Cuba. In 1876 he was registered as an American citizen in the Consulate General's office in Havana, and in 1886 he married and has now five infant children who he wants brought up and educated as American citizens. Preparatory to that, he wishes them registered as American citizens, in the records of the American Consulate in Havana.

Mr. Pelaez has always been registered on the Municipal records of Havana, as an American citizen, and has thus been excluded from public employment, because under the Spanish law, none but Spanish subjects can be employed. Mrs.Pelaez, [redacted] is named Socorro O'Campo, his children, Isabel nine years old, Manuel eight, Virginia 5, Arturo 2, and Enrique ten months.

On application at the American consulate this morning to register this wife and children of this American citizen upon the records of an American Consul's office - I was referred to a letter from your Department being Instructions No.1182 to Ramon O. Williams Consul General at Havana, dated November 16th, 1895.

This paper, evidently could never have been issued with your knowledge, and is doubtless the work of some subordinate illversed in the Constitution and history of the United States.

For Sir, you are a great lawyer , and you never could have said

~~To hon. R. Olney, Secty. of State, U. S. A.~~

as this paper issued in your name, says- that the Mr. Pelaez is a citizen -yet having been absent from the United States twenty years, he is not entitled to a passport, and his wife and children are not to be recognized as American citizens by registry in an American Consulate. You never could have taken the position that an American citizen looses his citizenship by twenty years absence, and it is still more impossible for you to have ever intimated that visits to the United States at intervals not exceeding two years, are necessary to perpetuate citizenship.

I say Sir, that you never could have countenanced such propositions, for they are absurdities, contrary to right reason, and to the Constitution of the United States. They are evidently, the work of some ignorant employee of the Department, and I ask that they be at once overruled, and reversed, as improvidently issued.

The Constitution of the United States, makes every person born, or naturalized in the United States, a citizen thereof, and no power short of an amendment to the Constitution, can deprive a citizen of his franchise -It is his -by the Constitution, and it descends to his heirs forever, unless they, by their own voluntary act, renounce it, and protracted or life long absence, will never be construed as renunciation of citizenship legally acquired. And there can be no degrees in Citizenship -"Born or Naturalized" are the words of the Constitution. They stand on exactly the same footing. Equal before the laws, and equal everywhere and forever.

In clear and open violation of this right of citizenship, this Citizen's wife and infant children have been denied registration and the poor protection, which that gives-by your Department.

It may be competent for the Department to refuse to issue passports to any citizen or to permit Consuls to register any citizen his wife and children, but I utterly deny the power of the Department -or

~~To Hon. R. Olney, Sec'y. of State, U.S.A.~~

of all Departments -or of the whole Government to make any distinctions in the rights of Americans, native or naturalized, white black or yellow. Not the President and the Cabinet, nor the Congress and the President can make this distinction.

I therefore, respectfully ask that the wife and children of Pelaez, heretofore named in this paper, be forthwith registered in the record of the Consulate General at Havana as American Citizens

I am your obedient servant,

Bradley T. Johnson

ASSISTANT SECRETARY
JUL 10 1896
DEPARTMENT OF STATE.

No 34.

INDEX BUREAU
RECD.
JUL 10 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, July 4th 1896.

Mr. Lee

to the

Department of State

Regarding the order of Governor General to close sub-ports of Banes and Sama, thereby prohibiting export of bananas &

---

4. Enclosures.

No: 34.

U. S. Consulate General
Habana, July 4th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State.
Washington.
D.C.

Sir:

I have the honor to acknowledge receipt of the cypher telegram of the 1st instant, signed by the Hon: Secretary of State, regarding the export of bananas from the sub-ports of Banes and Sama.

Being somewhat indisposed

and unable to leave my office, I directed Vuelmuel General Springer to call upon the Governor General in my representation, and communicate to him the substance of said telegram, wholly or in part, as the manner of the Governor General might direct. The result of his interview, I transmitted to the Department in cypher telegram, as per copy herewith. 1/

The following day, July 2d, I received a second telegram, also signed by the Honorable Secretary of State, to the effect that my 1/

previous telegram was not
clear, and asking if any
extension or modification
of the banana order was
denied.

I immediately addressed
a communication to the 2/
Governor Captain General,
requesting to be informed to
that effect, but not receiving
a reply as promptly as
desired, I learned that
my official letter had been
referred to the Sub-Intendant
of Finance for his report
thereon. I therefore directed
Mr. Springer to call upon
that official, to learn the
decision of the authorities

in the matter. Upon the information furnished by the Sub-Intendant, I again addressed the Governor General, limiting my request simply to ask an extension of six weeks longer to the period which it appears had already been granted to the fruit shippers, and which expired June 30th last.

3/ To this request, I am awaiting a reply, which I will cable when received.

For the information of the Department as bearing upon this subject, I enclose a copy-translation of Art: 97, and Appendix No 1,

4/

of the Customs Regulations
in force in this Island.

I am, Sir,

Very respectfully

Your obedient servant

Fitzhugh Lee

Consul General.

Enclosure No.1.

With Despatch No. 34

H A B A N A, July 4, 1896.

Confirming Telegrams.

Mr. OLNEY to Mr. LEE, July 1.1896.

Consul General Lee, Habana.

ORDER inhibiting exports native products, subports of Banes and Sama, works most injuriously, many American citizens who own banana plantations. Ask Capt. General for suspension of order for six weeks in case of American citizens. If he is averse to suspension, ask modification enabling banana steamers to enter Gibara without cargo, then to clear coast-wise under governmental supervision to the subports named as terminal to load in manner required by Government authorities, and that they are not to return to Gibara and clear with cargo of fruit. Only twenty five steamers owned and chartered for this especial trade. Crop to be harvested within six weeks not less than half million dollars.

Article seven Treaty 1795 prevents any embargo or detention of property of American citizens. Cable answer.

(Signed) OLNEY.

----------0---------

Mr. LEE to Mr. OLNEY, July 1.1896.

Secretary of State, Washington, D.C.

Captain states that he has not issued order against exports fruit, but only in the exercise of his undoubted right the same in peace as in war, has ordered

sub ports Banes and Sama closed to commerce. Has heard already French and Norwegian Consuls upon the Subject and granted extensions for the month of June and has informed his Government same effect and will not consent to any modification. Vessels must enter and clear at Gibara direct.

(Signed) LEE.

----------0---------

Mr. OLNEY to Mr. LEE, July 2.1896.

Lee, Consul General, Habana.

Your cable yesterday not clear. Is any extension or modification denied. What extension granted to French and Norwegian vessels. Any embargo or detention of American property under any circumstances is violation of Treaty. See Captain General and report by cable.

(Signed) OLNEY.

1896
ALL LINEN
CRANE'S

Enclosure No. 2

With Despatch No. 34.

H A B A N A, July. 4 1896.

COPY.

U.S.Consulate General,

Habana, July 2.1896.

To His Excellency The Governor and

Captain General of the Island of Cuba.

Excellency:

Yesterday in consequence of indisposition I had the honor to request Mr.Springer, the Vice Consul General General, to call your attention to the fact that your order prohibiting exports of native products from sub-ports of Banes and Sama was, in the opinion of my Government, injurious to interests of American citizens who own banana plantations .

I was instructed to request that you suspend said order six weeks in case of American citizens, or if for any reason that could not be done, I was directed to ask you to modify it, so as to enable banana steamers to enter Gibara without cargo, then to clear coastwise under goverernmental supervision to the sub-ports named and load in a manner required by government authorities and that they are not to return to Gibara and clear with cargo of fruits. I understand from Mr.Springer, the Vice Consul General, that you had stated to him that you had not issued an order against expert of fruits, but that in the exercise of a right not denied in peace

or in war you had directed the sub-ports Banes and Sama closed. Such an order practically prohibits the export of fruits as far as those two ports are concerned. Mr.Springer also stated that you had granted an extension of said order to the Consuls of France, Sweden and Norway for the month of June.

The above information I transmitted to my Government. Today I am in receipt of a despatch asking if any extension or modification of the banana order is denied, and that any embargo or detention of American property under any circumstances is a violation of Article 7 of the Treaty of 1795.

I have the honor to request that you respond to this communication as early as possible in order that I may comply with thedirections of my Government and cable the substance of what you may have to say on the subject.

I avail myself of the occasion to reiterate to Y.E.the assurances of my highest consideration.

(Signed.)Fitzhugh Lee.

Consul General.

Enclosure No. 1.

With Despatch No. 34.

H A V A N A , July 4, 1896.

COPY.

U.S.Consulate General.

Havana, July 3, 1896.

To His Excellency the Governor and Captain Gene ral

of the Island of Cuba.

Excellency:

I am informed that a communication addressed to you in reference to theexportation to the United States of bananas from certain ports of Cuba has been referred to the Sub-Intendente for report and that my letter on the subject has not been clearly understood.

Your right to close the sub-ports of Sama and Banes is not questioned. I am directed to simply ask you to extend the period for shipping bananas from the two places named from the 30 June, the date of its present expiration, for a period of six weeks longer, unde r such restrictions as you may impose to guard your own interests.

This enables the owners of the large banana plantations near there to ship direct from Sama and Banes.

If this not done the crop must be lost in whole or in part by the expensive delay in having first t o convey it to Gi ba ra and then ship from that port.

Therefore, I beg Y.E. to favorably consider this

1894

petition extending for a period of six weeks the aforesaid favor and to communicate to me your superior resolution for transmission of same to my Government as early as possible.

I am etc. etc.

(Signed) Fitzhugh Lee.

Consul General.

CRANE'S
1894
ALL LINEN

Enclosure No. 4.—

With Despatch No. 34 —

H A B A N A July 4-1896.—

Copy.

ART. 97.

The Collectors of Customs may authorize the loading of products of the country on national or foreign vessels, at whatever point or farm at which, may be found.

Upon the granting of this authorization, clearance shall be made, by the master and shippers presenting all the documentation required by the previous articles.

The supervision of the vessel's cargo shall be exercised by an officer, or clerks of the preventive service (Resguardo), specially delegated to that effect by the Collector of Customs; all expenses to be on account of the shipper.

Upon the completion of the loading, the Collector may require that the vessel shall put into port where the Custom house is situated, that said loading may be verified in the form considered most convenient.

All duties shall be paid before the departure of the vessel, and for that effect they shall be secured to the satisfaction and under the responsibility of the Collector previous to issue of lading permit.

----------0---------

Appendix Number 1.

# # # #

Custom houses authorized for exportation, coasting-trade and importation; with the exception of dry goods,

ALL LINEN

jewelry, hardware, fancy goods and opium, viz:

Caibarien. - Gibara. - Baracoa. - Guantánamo. - Manzanillo. - Santa Cruz. - Zaza. - Mariel.

— • —

CRANE'S

1894

ALL LINEN

TELEGRAM RECEIVED IN CIPHER.

Secretary of State.
JUL 6 1896

INDEX BUREAU
REC'D.
JUL 10 1896
DEPT. OF STATE

Recd July 7th

From Havana, July 6th, 1896.

Received 9.30 P.M.

Secretary of State,

Washington.

For eight years steamers have been allowed ship fruit from Sama and Banes. Governor General prohibits shipment now on the ground steamers ehgaged return with goods contraband of war. Am informed that information is false. Spanish Consuls in the United States have so informed Governor General. Fruit carried to Gibara will be heavy expenses and loss inadmissible, Crop having fifty miles lighterage and will arrive bad condition United States market. Customhouse authorities Gibara have informed the Governor General no transportation in Gibara to carry fruit from Banes. Prohibition transport of this industry throws thousands out of employment. Owners plantations agree to pay expenses Spanish inspectors to accompany vessels to and from the United States.

Lee.

Biddle & Martin

Vol 126

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY
JUL 7 1896
DEPARTMENT OF STATE.

Recd July 7th

From Havana, July 6, 1896.

Received 12.40 P.M.

Secretary of State,

Washington, D.C.

Secretary of State.
JUL 6 1896

All shipments of fruit must be made from Gibara. Captain General this morning refuses to allow further exportation from Sama and Banes. See letter.

Fitzhugh Lee.

Biddle.

DIPLOMATIC
JUL 21 1896
BUREAU.
JUL 17 1896

ASSISTANT SECRETARY
JUL 11 1896
DEPARTMENT OF STATE.

No. 35

U. S. Consulate General

Habana. July 6th 1896

INDEX BUREAU
RECD.
JUL 11 1896
DEPT. OF STATE

Mr. Lee

In to Spain July 21/96

to the

Department of State

Transmitting copy of a claim against the Spanish Government, presented by Mr George Fortun.

One enclosure -

No: 35.

U. S. Consulate General.
Habana, July 6th 1896.

Hon: William W. Rockhill
Assistant Secretary of State
Washington.
D. C.

Sir:

I have the honor to transmit herewith, copy of a statement made before me by Mr. George Fortin, a citizen of the United States, in which is embodied a claim for indemnity against the Spanish Government for Thirty two thousand

four hundred and fifty dollars
($32.450-) for losses and damages
to his property and interests
in this Island.

I am, Sir,

Very respectfully
Your obedient servant

J. Hengstler

Consul General.

One enclosure:

Copy of claim referred to.

Enclosure No.1.

With Despatch No.35.

H A B A N A, July 6th.1896.

Copy.

U.S.CONSULATE GENERAL.

H A B A N A.

BE IT KNOWN, that on this 3rd.day of July,1896, before me, the undersigned, Consul General of the United States of America at HABANA, personally appeared Mr.GEORGE FORTIN, and to me personally known, who being duly sworn, did declare and state as follows:-

That his name is GEORGE FORTIN, a native of Louisiana, U.S.A., 55 years of age, widower, and planter by occupation; that he has been for 14 years past employed in growing sugar cane on the estate called ENCRUCIJADA IN THE PARISH OF CABAÑAS, and which he has in part leased for several years.

That in the month of April 1896 his cane fields amounting to 12 caballerias, or four hundred acres, were destroyed by fire by the Spanish forces under the command of Colonel PINTOS; that the same command removed from his place four horses and seven oxen; that the same command burned five country houses, which he had for the use of his laborers, valued at $100. each----------$500.

that the four horses were worth---------- 400.

that the seven oxen were worth---------- 350.

that the cane fields were worth----------18000.

---

total $19250.

ALL LINEN

That on or about the 22nd.of last May the Spanish forces under the command of Colonel SANCHEZ ECHECHEVARRIA,of the regiment of Isabelle La Catolica appeared on the place and burned the only four houses which were left in the batey,also three carts and fifteen hundred matules of tobacco.

That the best two houses were worth----------$1500.
that the other two were worth---------- 200.
that the three carts were worth---------- 300.
that the 1500 matules of tobacco were worth--- 1200.
Property previously destroyed----------19250.
grand total $22450.

Consequently he protests against the Spanish Government for the losses sustained on the said plantation,and doth hereby make formal claim for an indemnity for the above amount with interest until time of payment .

And he claims furthermore the sum of TEN THOUSAND DOLLARS, $10000., in consequence of the losses occasioned by reason of the depredations on his property.

(Signed) GEORGE FORTIN.

1894
ALL LINEN

United States Consulate General.

H A B A N A.-

BE IT KNOWN, that on this 3rd. day of July, 1896, before me, the undersigned, Consul General of the United States at HABANA, personally appeared Mr. GEORGE FORTIN, a citizen of the United States, to me personally known, and known to me to be the person named in the foregoing instrument of the nature of a protest and claim against the Spanish Government, to which he hath subscribed his name, and duly sworn, deposed unto the facts therein set forth which he declares to be true.

WITNESS my hand and the seal of this
(Seal) Consulate General at HABANA, this
3rd. day of July, 1896.

(Signed) FITZHUGH LEE

U.S. Consul General.

------- --0----------

A true copy:

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
JUL 11 1896
DEPARTMENT OF STATE

No. 36.

INDEX BUREAU
REC'D.
JUL 11 1896
DEPT. OF STATE

U.S. Consulate General.

Havana, July 6, 1896.

Mr. Lee to Mr. Olney July 15.
Com. Rel.
Capt. Gen. Pr.

to the

Department of State.

Transmitting copy-translation of a communication from the Captain General assuring a safe conduct to Mr. Pedro Casanova.

1 Enclosure

No. 36.

U.S. Consulate General.
Havana, July 6, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

With reference to the Department's instruction No. 10 of the 11th ultimo and my dispatch No. 24, of the 2d instant, I have now the honor to transmit a copy-translation of a communication from the Captain General assuring a

safe

Safe conduct to Mr.
Pedro Casanova, should
he desire to return to his
place.

I am, Sir,

Very respectfully,

Your obedient servant,

Consul General.

One enclosure:

No. 1 - Communication referred to.

Enclosure No. 1.

With Despatch No. 36.

H A V A N A , July 6, 1896.

ARMY of OPERATIONS of CUBA.

In answer to your courteous note of the 1st instant requesting the appointment of some person to guard and protect the sugar estate "Central Casanova", situated at San Miguel de Jaruco, province of Havana, I have the pleasure to inform you that the American citizen Mr. Pedro Casanova, joint owner of the said estate, can establish himself in same, whenever he may please, with the assurance that he will be respected by the troops, to which end he may obtain from the Commander of th e Third Army Corps a safe conduct for himself and other persons. I communicate to that effect the Commander referred to.

God guard you many years.

Havana, July 3, 1896.

(Signed) V aleriano Weyler.

To the Consul General of the United States.

Secretary of State.
JUL 13 1896

ASSISTANT SECRETARY
JUL 11 1896
DEPARTMENT OF STATE.

No: 37

U. S. Consulate General,

INDEX BUREAU
RECD.
JUL 11 1896
DEPT. OF STATE

Habana. July 6th 1896.

Rec'd July 14.

Mr. Lee, pR. Isle
R. G.

to the

Department of State.

Respecting a request made to Governor General for an extension of the period, wherein to ship fruits from Ports of Baracoa and Sagua, and denied by him.

One enclosure.

No: 37.

U. S. Consulate General.

Habana. July 6th 1896.

Hon: William W. Rockhill.

Assistant Secretary of State.

Washington

D.C.

Sir:

With reference to my despatch no. 34, of the 4th instant, and my telegram of today, reading:

" Secretary of State: Washington. D.C.

" All shipments fruit must

" be made from Gibara.

" Captain General this morning

" refuses to allow further

" exportation from Sama

" and Banes. See letter.
(signed) Lee."

I have now the honor to transmit copy translation of a communication from N. E. the Governor General, refusing the request I made of him, under the instructions of the Hon: Secretary of State, for an extension of six weeks to his order respecting the shipment of fruit from the ports of Sauá and Banes, in which he states that all shipments must be made from Gibara.

The right admitted by me, to which the Governor General refers in his commu-

nication, is the acknowledgement that the Customs ordinances in force here allowing foreign vessels to load at farms or points other than the regular ports of entry, are optional and can be revoked at pleasure.

I am, Sir,

Very respectfully

your obedient servant,

Consul General.

Enclosure:

Governor General to Consul General Lee, July 5/96.

Enclosure No.1.

With Despatch No. 37.

H A V A N A, July 6th 1896.

TRANSLATION.

General Government of the Island of Cuba.

Havana, July 5, 1896.

To the Consul General of the United States,

Present.

Sir:

In answer to your communications of the2nd and 3rd instant, soliciting an extension of six weeks regarding the authorization to ship native products from the ports of Banes and Sama, in favor of the vessels engaged in that business, I beg to express first the satisfaction your second communication has given me acknowledging the perfect right of this Government to close th e ports of Banes and Sama, a measure which had to be adopted in view of the circumstances through which this country is now undergoing.

The said ports are only shipping places authorized by the Intendancy General of Finance or Department of the Revenue, to ship native products in national or foreign vessels as an especial favor under article 97 of the Customs Regulations. In the exercise of this unquestionable right, acknowledged by you, and the said ports being closed in consequence, and because of the reasons stated, I granted an extension until June 30 last

in order that national as well as foreign vessels without distinction should enjoy this concession; but this extension having expired, and the reasons which caused this determination not having been modified in the least, I regret to inform you that I am compelled to deny the petition of extension so courteously made by you, although this does not mean that native products cannot be taken to Gibara to be from there exported in any other form.

God guard you many years.

(Signed) Valeriano Weyler.

DIPLOMATIC
JUL 21
BU E

JUL 7 1896

ASSISTANT SECRETARY
JUL 11 1896
DEPARTMENT OF STATE

No 38.

Mr Taft

DIVISION OF
MAIL AND
RECORDS
JUL 11 1896
DEPARTMENT OF STATE

U. S. Consulate General
Habana, July 6th 1896.

Mr. Lee.
to the
Department of State.

Dispatch
July 11 1896

Transmitting a claim
for indemnity against the
Spanish Government,
presented by Mr Louis
L. Morejon.

One enclosure.

No. 38.

U. S. Consulate General.
Habana, July 6th 1895

Hon: William W. Rockhill
Assistant Secretary of State,
Washington
D.C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Louis F. Morejon, a citizen of the United States in which is embodied a claim against the Spanish Government for losses and damages.

to his property and interests
in this Island, for the
amount of fifteen thous-
and dollars.

I am, Sir.

Very respectfully
your obedient servant

J. H. Hall

Consul General.

One enclosure:

copy of claim referred to.

Enclosure No.1.

With Despatch No. 38

H A.B A N A , July 6.,1896.

U. S. CONSULATE GENERAL

H A B A N A.

BE IT KNOWN, that on this 30th. day of June, 1896 before me, the undersigned, Consul General of the United States at HABANA, Cuba, personally appeared Mr. LUIS FELIPE MOREJON y MARQUEZ, and to me personally known, who, being duly sworn, did declare and state:-

That he is a native of Cuba; 40 years of age, married, brokerage business, residing in HABANA, Cerro, 777:

That he is a citizen of the United States, which citizenship he acquired by residence; and was naturalized in the Superior Court of New York, August 28th. 1885, that he came to this Island in September 1885 upon a passport issued by the Department of State, No. 2955, dated August 28. 1885, and has since resided in this city, and is registered in the United States Consulate General, as a citizen of the United States, in the Register of Citizens, No. 3582, in the year 1885; that he has made frequent trips to the United States, and the date of his last passport is May 21. 1896, No. 11912; that he is the owner of a farm or plantation known as the "SANTA TERESA" or "LA INGLESA", situated near Ceiba del Agua, in the district of Alquizar, province of Habana, as shown by the title deeds of same, which he hath exhibited, been by me examined and returned to him, which deed was executed before the

Notary Public, DON JOSE NICOLAS de ORTEGA, the 6th. of August, 1889; that said property is estimated to be valued fifteen thousand dollars; and that he had the same rented, at an annual rent of five hundred and thirty dollars, Spanish gold.

That on the night of the 9th. of May last, 1896, a party of armed men, Insurgents or subjects of Spain in this Island, in revolt against the Government of Spain, invaded the place and completely destroyed it by burning the houses and fields.

Wherefore he doth solemnly and publicly protest against the losses and damages to his property and interests, due to the lack of protection which should have been afforded his place by the Spanish Government of this Island, under which he is living, and to which he has paid all the taxes and other dues exacted of him, and with whose laws and regulations he has strictly complied; and therefore he considers that he is entitled to receive an indemnity therefore from the Spanish Government, to the amount of his said loss fifteen thousand dollars, and doth hereby formally make, demand and claim upon the said Spanish Government for said amount, with interest thereon until time of payment and with such other relief as may be afforded him.

(Signed) LUIS F. MOREJON.

#3

U.S.CONSULATE GENERAL

H A B A N A.

ON this day, before me, the undersigned, U.S.Consul General at HABANA, Cuba, personally appeared Mr.LUIS F.MOREJON a citizen of the United States to me personally known, and known to me to be the person named in the foregoing instrument in the nature of a protest and claim against the Spanish Government, to which he hath subscribed his name, and duly sworn, deposed to the facts therein stated which he declares to be true.

WITNESS my hand and the seal of this

(Seal) Consulate General at Habana, this thirtieth June 1896.

(Signed) FITZHUGH LEE

Consul General.

---o---

A true copy.

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
JUL 11 1896
DEPARTMENT OF STATE

No. 39.

INDEX BUREAU
RECD.
JUL 11 1896
DEPT. OF STATE

U.S. Consulate General.

Havana, July 8, 1896.

Asked July 14.

Mr. Lee acknowledges R.O.

to the

Department of State.

Transmitting translations of two editorials from El Diario de la Marina.

2 Enclosures.

No. 39.

U.S. Consulate General.
Havana, July 8, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to submit to the Department the translations of two editorials published in "El Diario de la Marina," organ of the Reform Party of this Island, on the 5th and 7th instant, respectively, believing they will be

be of interest, because touching on current events.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General

2 Enclosures.

No. 1 - Translation from 'Diario' of the 5th

" 2 - do. do. of the 7th

Enclosure No. 1

With Despatch No. 39

HA V A N A, July 8, 1896.

TRANSLATION.

From EL DIARIO DE LA MARINA of Havana, July 5, 1896.

ALERTA!

During the present debates in the Spanish Senate, the Senators Don Augusto Comas, Don Emilio Jimeno, Don Pio Gullon, Don Rafael M. de Labra, and Messrs. Melero and Romero Giron have spoken in order to show the absolute impossibility of the continuance of the statu quo in the international relations of the United States with Spain; considering the incorrect conduct which the federal authorities of the neighboring Republic observe in the fulfillment of the obligations set forth in the treaties of the 27th of October, 1795, and 22nd of February, 1819, and the celebrated protocol of 1877.

That the United States do not loyally observe the obligations imposed on them by the said treaties, nor even those which by the common consent of all civilized nations have become incorporated in the doctrines of international law, is a fact which for some time past is being noted, and that is recently confirmed by the attitude taken by the federal courts and even by the administrative authorities in all the questions that have arisen by reason of the separatist propaganda, which

publicly and barefacedly is spread in that country in whatever refers to the shipments of contraband of war and the armament of piratical expeditions which leave the ports of the Union, to come to aid the rebels and incendiaries of Cuba, and, which, whenever captured, thanks to the active efforts of the Spanish consuls, go unpunished either by a verdict of not guilty or by a provisional suspension of proceedings. We need not stop to demonstrate this charge because the cases are quite recent, of the CITY OF RICHMOND, BERMUDA, THREE FRIENDS, COMMODORE, and others.

The denunciation of these incorrect proceedings have not been made solely by the Senators mentioned. The authorities of Cuba, as well, have signified that the treaties mentioned, and particularly the protocol makes difficult the government of Cuba in every question in which the interests, real or imaginary, of some citizen of the United States appear engaged. Alluding to the Cubans who have obtained in the United States certificates of naturalization, General Martinez Campos has just expressed himself to the effect that the Spaniard who has made himself a citizen of the United States shpuld not be permitted to reside in Cuba. All the independent press of the Mother Country, every sound and healthy mind, not influenced by the intention of keeping up the present situation, condemn the statu quo in the actual relations between Spain and the United States.

Even the reactionary press of Cuba which generally occupies itself with matters of gain and profit, has been brought over, although it appears that afterwards it became alarmed thereat, to denounce the said treaties. Only to the Ministry presided over by Canovas del Castillo, only to the Minister of State the lot befell to make the heroic defense of the agreement of 1877 during the session of the 23rd June last.

And nevertheless, it is the general opinion in Spain and in Cuba, that, without the need of any provocations, without raising any casus belli, a measure that does not now appear authorized, without lacking in the least to the requirements of the most refined courtesy, the Spanish Government should endeavor to amend all the irregularities of the diplomatic conventions between both countries, and in this manner give the alarm call to all Latin America against the intentions of th e United States Government, which undoubtedly aspires to exercise an absolute and irresistible hegemony all over the American continent, in the Antilles and and in the Windward and Leeward Isles.

But this does not suit Spain, an American power of the first order, nor to the Republics of Spanish origin, in Southern as well as Central America, nor to the possessions and dependencies of other European nations in this hemisphere. The interests of Spain in this Antille are identical with those of Mexico, and the other peoples to whom we have alluded, and it is but just that all should work in concert in whatever may

be necessary to oppose the usurpations of the United States, and to the spirit which animates the proceedings of the citizens of that Republic against a friendly country.

Enclosure No 1
with Dispatch No. 39
Habana July. 8 1896.

DIARIO DE LA MARINA.

DOMINGO 5 DE JULIO DE 1896.

ALERTA

En los actuales debates del Senado han hecho uso de la palabra los senadores don Augusto Comas, don Emilio Jimeno, don Pío Gullón, don Rafael M. de Labra, y los señores Melero y Romero Girón, para demostrar la absoluta imposibilidad de que continúe el *statu quo* en las relaciones internacionales de los Estados Unidos con España; dada la incorrección con que las autoridades federales de la República vecina están procediendo en el cumplimiento de las estipulaciones consignadas en los tratados de 27 de octubre de 1795 y 22 de febrero de 1819, y en el celebérrimo protocolo de 1877.

Que los Estados Unidos no cumplen lealmente las obligaciones que en dichos convenios se impusieron, ni siquiera las que por común asentimiento de todas las naciones civilizadas han venido á incorporarse en las doctrinas del derecho internacional, es una verdad que de antiguo viene observándose, y que recientemente se confirma con la actitud asumida por las Cortes federales, y aún por las autoridades administrativas en todas las cuestiones surgidas con motivo de la propaganda separatista que pública y descaradamente se hace en aquel territorio, en cuanto se refiere á las remesas de contrabando de guerra y al armamento de expediciones piráticas, que salen de los puertos de la Unión, para venir en auxilio de los rebeldes é incendiarios de Cuba, y que, cuando se logra su apresamiento merced á las activas diligencias de los cónsules españoles, quedan al fin impunes, ya por un veredicto de inculpabilidad, ó ya por un sobreseimiento provisional. No necesitamos detenernos á demostrar éste cargo, porque están muy recientes los sucesos del *City of Richmond*, *Bermuda*, *Three Friends*, *Commodore* y otros varios.

La denuncia de esos procedimientos incorrectos no se ha hecho solamente por los Senadores mencionados. También las autoridades de Cuba han significado que aquellos convenios y particularmente el protocolo, hacen difícil la gobernación de Cuba, en toda cuestión en que aparezcan empeñados, real ó simuladamente, los intereses de algún ciudadano de los Estados Unidos. Aludiendo á los cubanos que en la República vecina han obtenido cartas de ciudadanía, el general Martínez Campos acaba de expresar que al español que se ha hecho ciudadano de los Estados Unidos, no debe permitírsele que resida en Cuba. Toda la Prensa independiente de la Metrópoli, todos los espíritus sanos que no se guían por el propósito de sostener la actual situación, todos condenan el *statu quo* en las actuales relaciones entre España y los Estados Unidos. Hasta la Prensa reaccionaria de Cuba, que por lo regular sólo se cuida de grangerías y provechos, se ha visto arrastrada, si bien parece que de ello posteriormente se asustó, á pedir la denuncia de esos tratados. Sólo el Ministerio presidido por el Sr. Cánovas del Castillo, sólo al Sr. Ministro de Estado, le cupo la triste suerte de hacer la heróica defensa del convenio de 1877 en la sesión del Senado de 23 de junio último.

Y sin embargo, la opinión general en la Península y en Cuba, es que sin necesidad de provocaciones, sin suscitar un *casus belli*, medida que por ahora no parece autorizada, sin faltar en lo más mínimo á las exigencias de la más exquisita cortesía, el Gobierno español debiera pretender que se enmendasen todas las irregularidades de las convenciones diplomáticas entre ambos países, y dar de este modo la voz de alerta á toda la América latina, contra las intrusiones del Gobierno de los Estedos Unidos, que aspiran indudablemente á ejercer una hegemonía absoluta é irresistible en todo el continente americano, en las Antillas y en las Islas de barlovento y sotavento.

No conviene ésto á España, potencia americana de primer orden ni á las Repúblicas de origen español, así en la América septentrional como en la meridional, ni á las posesiones y dependencias de otras naciones Europeas en este hemisferio. Los intereses de España, en esta Antilla, son idénticos á los de Méjico y á los demás pueblos á quienes hemos aludido, y es justo que todos obren de concierto, en cuanto sea preciso para oponerse á las usurpaciones de los Estados Unidos, y á ese espíritu que informa los procedimientos de los ciudadanos de dicha República contra un país amigo.

Enclosure No. 2

With Despatch No. 39

H A V A N A , July 8, 1896.

TRANSLATION.

From EL DIARIO DE LA MARINA of Havana,

July 7,1896.

UNHEARD OF.

Our readers will recollect that the authorities of the United States, a short time ago seized a steamer, the THREE FRIENDS, loaded with arms and munitions of war and with an expedition on board made up of Cuban separatists.

Notwithstanding that it was well known beforehand that a filibuster expedition was being organized against the Island of Cuba and that the said expedition would leave in the THREE FRIENDS, and notwithstanding having found on the steamer a considerable quantity of arms and munitions, and among the passengers a number of Cubans well known for their labors of conspiracy against Spain, a court in the United States has raised the arrest ordered against said vessel, and against her passengers and crew . . . . . for want of proof.

There happened just what was expected; the steamer THREE FRIENDS has again gone to sea with the men and arms she had on board when she was seized.

It is a case of piracy carried out with the cooperation and assistance of the administration of

justice of a country that calls itself civilized.

We abstain from commentaries because such belong to the Government of His Majesty taking at the same time the stand required by the pride and dignity of the Spanish people.

---o---

Enclosure 2.
With dispatch no 39
Habana July. 8, 1896.

DIARIO DE LA MARINA.

MARTES 7 DE JULIO DE 1896.

INAUDITO.

Recordarán nuestros lectores que las autoridades de los Estados Unidos apresaron hace poco un vapor, el *Three Friends*, cargado de armas y pertrechos de guerra y con una expedición á su bordo formada por separatistas cubanos.

A pesar de saberse de antemano que se estaba organizando una expedición filibustera contra la isla de Cuba y que esa expedición saldría en el *Three Friends*, y no obstante el haberse encontrado en el vapor cantidad considerable de municiones y armas y figurar entre los pasajeros cubanos significados por sus trabajos de conspiración contra España, ha habido un tribunal en los Estados Unidos que levantó la detención que había sido decretada contra aquel buque y contra sus pasajeros y tripulantes..... por falta de pruebas.

Y ha resultado lo que era de esperar: que el vapor *Three Friends* se ha vuelto á hacer á la mar con los hombres y las armas que iban á su bordo al ser apresado.

Es un caso de piratería llevado á cabo con la cooperación y el auxilio de la administración de justicia de un país que se dice civilizado.

Excusamos los comentarios, porque á quien corresponde hacerlos, adoptando á la par la actitud que exigen la altivez y la dignidad del pueblo español, es al Gobierno de S. M.

ASSISTANT SECRETARY
MAR 24 1897
DEPARTMENT OF STATE.

Confidential

No 40.

INDEX BUREAU
RECD.
JUL 11 1896
DEPT. OF STATE

U. S. Consulate General
Habana, July 8, 1896.

Mr Lee

to the

Secretary of State.

The situation in Cuba

Confidential

Confidential.

No 40.

U. S. Consulate General.
Habana. July 8 1896

Hon: Richard Olney.
Secretary of State.
Washington.
D.C.

Sir:

The feeling between the Spaniards and Americans is daily growing more intense, and matters are daily converging to a certain focus.

No one here expected, as I wrote you, that any reforms would be granted by the Madrid Government,

and Canovas' recent
utterance to the effect
that the insurrection must
first be crushed, clothes
the situation with indefinite-
ness. Former promises of
reforms, under similar
conditions were never re-
deemed -

Reforms no longer enter
now into the solution of
the Cuba question. I do
not know that it is proper
for me to do anything
but report facts, but I
cannot forbear from
saying again that the
purchase of the Island
should first be attempted.

failing in that, a declara-
tion of its independance
shoud promptly follow,
something after the order
of President Jackson's
treatment of the Texas
question in 1836.

The war with Spain
which will almost certainly
follow will be short and
decisive, to the cost of which
would be credited the sum
offered for the Island's pur-
chase, not used, because
the same result was obtained
without it.

I think it would be
a wise precautionary mea-
sure to have a man of war

at Key West under a discreet officer, with a full complement of marines. The officer to be directed to place himself in communication with me, and at my request, to drop his anchor in this harbor if it should be necessary to protect the consulate and the lives of Americans from mob violence, in case a request to that effect be refused by the Spanish military authorities.

The Spaniards have but little coal laid aside as yet for an emergency, although they must know coal will cut an important

figure in military and
naval warfare, but they
are working industriously
on coast fortifications,
strengthening the old, and
constructing new ones.

I hear this morning
that an insurgent expedition
landed last night on the
coast, only some 12 miles
east of the city.

Additional fuel has
been added to the local
flame in Habana by an
anticipated fight between
General Bradley T. Johnson
of Maryland, now the
agent of the "New York Journal"
here, and Spanish officers.

I send you Johnson's expressions on the subject.

The train between Matanzas (40 miles east of Habana) and Habana was dynamited a few weeks ago. Gen: Johnson was on the train and got two balls through his clothes. In giving account of the affair to the "Journal," Johnson said when the insurgents opened fire after the train was stopped, the Spanish soldiers guarding it, got down on the car floors and "subsequent proceedings interested "them no more". All of which is a fact, as I learn from other passengers, but in some

military quarters, an insult
has been offered to the
Spanish army generally.
The worst feature in the case,
is that Arnpudia's attacks
on Johnson, was inspired
and "arranged at the Palace,
I hope, by some of the
subordinate officers.

I get also from high Spanish
authority that there is great
pressure being brought to
bear for the removal of Gen.
Weyler, on account of
dis-satisfaction with the military
methods, and for his behavior
in other respects. It is con-
fidently asserted that
he must leave within the

next two months, at the sound of the hurrahs of his own people.

The war drags along from day to day, without much variation, bringing each day its record of burning, murder of innocent persons, "pacificados", arresting and imprisoning, in many cases without cause, harmless citizens, outrages, and the shooting of some one to whom has been accorded the form of a mock military trial, and a foreordained sentence.

I appreciate and thank you for the kind

words employed in your
"private and confidential"
letter, acknowledging the
receipt of my confidential
communication numbered
13, and dated June
24th last.

I am. Sir.
Your respectfully
Your obedient servant
F. Young Esqr
Commissioner

Enclosure -

Enclosure No.1.

With Despatch No.40.

H A V A N A , July 8,1896.

Translation.

From LA DISCUSION of Havana, July 7,1896.

GENERAL JOHNSON.

One of our reporters had an interview this morning with General Bradley T.Johnson regarding a letter published yesterday by a newspaper.

The General said:

I have received a letter through the hotel postman, which I have seen published yesterday in a newspaper. It is signed by a person who says has reasons to quarrel with me. As I find nobody to respond for that individual, neither has he sent me any representation, in the usuad form, I do not know him. But I know well that there are brave officers in the spanish army, as in all armies, and that courage is not a monopoly anywhere.

Nowhere do gentlemen fight duels through the newspapers.

If I have offended any gentleman I am ready to respond for my words. My address is: Hotel Inglaterra, Havana; where I will be until the 11th.

INDEX BUREAU
RECD.
JUL 14 1896

ASSISTANT SECRETARY
JUL 14 1896
DEPARTMENT OF STATE

No. 41.

U.S. Consulate General,
Havana, July 8, 1896.

Mr. Rea

to the

Department of State

Confirming and acknowledging receipt of telegrams relative to shipments of fruit from Banes and Sama.

No. 41.

U.S. Consulate General.
Havana, July 8, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I beg to confirm my telegram of yesterday addressed to the Honorable Secretary of State, reading:

"For eight years
"steamers have been
"allowed ship fruit
"from Sama and
"Banes. Governor
"General prohibits
shipments

"Shipments now on
"ground steamers
"engaged return with
"goods contraband
"of war. Am in-
"formed that informa-
"tion is false. Spanish
"consuls in the United
"States have so
"informed Governor
"General. Fruit
"carried to Gibara
"will be heavy ex-
"pense and loss
"half crop having
"50 miles lighterage
"and will arrive
"bad condition
"United States market.

Custom

"Custom house
'authorities Gibara
'have informed
'Governor General no
'transportation in
'Gibara to carry fruit
'from Banes. Pro-
'hibition transport
'of this industry
'throws thousands
'out of employment.
"Owners plantations
"agree to pay expense
"Spanish inspectors
"to accompany vessels
"to and from United
"States.

I also beg to
acknowledge

acknowledge receipt of
the following telegram,
received to-day, from
the Hon. Secretary of State:

"Your last Panama
"entitlement (28.138?)
"telegram received.
"Have taken matter
"to Madrid."
"Olney."

I am, Sir,
Very respectfully,
Your obedient servant,
Fitzhugh Lee
Consul General.

ASSISTANT SECRETARY
JUL 14 1896
DEPARTMENT OF STATE

No 42

INDEX BUREAU
RECD.
JUL 14 1896

U. S. Consulate General.
Habana, July 9 1896.

Mr. Lee
to the
Department of State.

Acknowledgment receipt
of instructions, 16623.

No: 42.

U. S. Consulate General.
Habana, July 9th 1896.

Hon: William W. Rockhill
Assistant Secretary of State
Washington
D. C.

Sir:

I have to acknowledge the receipt of instructions numbers 16 to 23, inclusive; the copy of a letter mentioned in the last one, no 23, was not received.

Very respectfully,
Your obedient Servant,

Fitzhugh Lee
Consul General.

DIPLOMATIC
JUL 21 1896
BUREAU.

ASSISTANT SECRETARY
JUL 14 1896
DEPARTMENT OF STATE.

No. 43

INDEX BUREAU
RECD.
JUL 14 1896

U. S. Consulate General,
Habana, July 9th 1896.

Mr. Lee,
to the Mr. Fair (w.)
Dep. to Spain
July 21 1896
Department of State

Transmitting copy of a claim against Spanish Government, presented by Mr. William G. Thorne.

One enclosure.

No 43,

U. S. Consulate General.
Habana, July 9th 1896.

Hon: William W. Rockhill.
Assistant Secretary of State,
Washington.
D.C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. William G. Thorne, a citizen of the United States, in which is embodied a claim for indemnity against the Spanish Government, for twenty five thousand

dollars, for losses and
damages to his property
and interests in this
Island.

I am, Sir,

Very respectfully
your obedient servant,

Consul General

One enclosure:

Copy of claim referred to.

Enclosure No. 1

With Despatch No. 43

H A B A N A, July 9, 1896.

U.S.CONSULATE GENERAL.

H A B A N A, July , 1896.

BE IT KNOWN THAT on this 7th.day of July,1896, before me, the undersigned, Consul General of the United States of America at HABANA, Cuba, personally appeared Mr. WILLIAM G. THORNE, to me personally known, who being duly sworn, did declare and state:-

That he is a native of Boston, Mass., 59 years of age, married, that he came to this Island in the year 1865, and has since resided here engaged latterly in the planting and raising of tobacco, and is now residing in Habana, Damas 78;

That he has leased from Dn. MANUEL ALVAREZ between two and a half and three caballerias (82 to 100 acres) of land known as "LOS CANAONES de la YGLESIA" in the province of Pinar del Rio, as shown by the copy of said lease which he hath exhibited;

That on January 25th. of this year certain of the Insurgent forces, theo' subjects of Spain in revolt against the Government, came in his place and took from him a Spencer rifle. On Feb'y. 12th. they again came and took two horses and one riding mule, this latter with saddle and bridle, also twenty pack mules and a rifle, Relampago. On May 24th. an armed force of fifty men, more or less, appeared on his place, and after firing shots, burned four dwelling houses and four houses used for storing tobacco; two of the

latter were twenty three yards long, and the other two seventeen yards, and contained 4456 cujes of tobacco, all of which was destroyed.

That on June the 1st. the Insurgents hung two men about three quarters of a league from his place, saying that they were coming to his house to kill everyone, and this deponent being at the time absent in Habana, his family became frightened, and abandoned the house about eight o'clock at night, crossing a mountain road of about two leagues in length, under a heavy rain storm, leaving behind them everything but some clothing and furniture, and finally they took refuge in this city.

That he obtained a document corroboration of the above facts signed by DON ABRAHAM ABREU, Alcalde at Vinales on the 23rd. of June last, and by two witnesses and himself, which he hath exhibited in this act, and which after being by me countersigned, is returned to him.

WHEREFORE the said appearer doth solemnly and publicly protest against the losses and damages to his property and interests, due to lack of protection which should have been afforded him by the Spanish Government and he considers that he is entitled to receive from said Spanish Government an indemnity of TWENTY FIVE THOUSAND DOLLARS with interest till time of payment, and he doth hereby make formal demand and claim on the said Spanish Government for the said amount, with such further relief as may be afforded him.

(Signed) William G. Thorne.

U.S.CONSULATE GENERAL.)
)
HABANA.)

BE IT KNOWN THAT, on this 7th. day of July, 1896, before me, the undersigned, Consul General of the United States at Habana, personally appeared Mr. WILLIAM G. THORNE, a citizen of the United States, to me personally known, and known to me to be the person named in the foregoing instrument of the nature of a protest and claim against the Spanish Government, to which he hath subscribed his name, and duly sworn, deposed unto the facts therein set forth which he declared to be true.

WITNESS my hand and the seal of this
(SEAL) Consulate General at Habana, this 7th.
day of July, 1896.

(Signed) FITZHUGH LEE.
Consul General.

---------o---------

A true copy:

Consul General.

JULY 17 1896

ASSISTANT SECRETARY
JUL 14 1896
DEPARTMENT OF STATE

No. 44.

U. S. Consulate General.

INDEX BUREAU
REC'D.
JUL 14 1896
DEPARTMENT OF STATE

Habana, July 9th 1896.

Mr. Lee

to the Mr. Foster

Department of State.

Transmitting copy of a claim against the Spanish Government presented by Mrs. Maria Dolores Josefa Garcia y Pino, widow Durra

One enclosure.

No 44

U. S. Consulate General

Habana, July 9th 1896.

Hon: William W. Rockhill

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to transmit herewith copy / of a statement made before me by Mrs. Maria Dolores Josefa Garcia y Pino, widow Durio, a citizen of the United States, in which is embodied a claim against the Spanish

Government, for two hundred thousand dollars, for losses and damages to her property and interests in this Island.

I am, Sir,

Very respectfully

Your obedient servant

Fitzhugh Lee

Consul General.

One enclosure:

Copy of claim referred to.

Enclosure No. 1
With Despatch No. 44
H A B A N A , July 9 , 1896

U. S. CONSULATE GENERAL.

H A B A N A.

BE IT KNOWN that, on this 6th. day of July, 1896, before me, the undersigned, Consul General of the United States at HABANA, personally appeard Mrs. MARIA de los DOLORES JOSEFA GARCIA y PINO viuda de DURIO, to me known, who, being duly sworn, did declare and and state as follows:-

That she is a native of Cadiz, Spain, and a citizen of the United States, having been naturalized at the Superior Court of New York city on January 14th. 1879, and came to Cuba with a passport issued by the Department of State, No. 10903, dated January 16th. 1879; and has since resided in this Island; that she is also registered in the U.S. Consulate General, No. 350, year 1879.

That she is executrix, administratrix, guardian of the property and universal heiress together with her six children, of the late DON LOUIS T. STOCKER, a native of Philadelphia:

That in the administration of the only property belonging to the said testator in the Island of Cuba, the plantation "ECO", now known as the grazing and stock farm "STA. R[illegible]TA", situated in the districts of Quemado de Guines and Rancho Veloz, in the jurisdiction of Sagua La Grande, Carahatas Quarter, province of Sta Clara, which has been leased for colonias, or

cane growing plantations; that said property is still undivided, as it is still paying up debts left by the said testator; that the present insurrection now agitating the Island having broken out, the said property has been completely destroyed, and the tenants been forced to abandon the colonias or farms leased to them; that the cane fields were burned by the Insurgents, and they even killed the tenants DON JOSE TRUJILLO and DON DEMETRIO PEREZ, while residing on their farms, either the Insurgents or wandering bandits known as "plateados", under the leadership of PERICO; that as appears by the public journals of the 18. April last, four houses belonging to said farm "Sta R[illegible]TA" also known as "SABANILLA", were burned by the Insurgents; that the said appeared estimates the said loss to the said property, which was composed of sixty two caballerias, the greater part of which was planted with cane, to be not less than $200000. - two hundred thousand dollars - the original sum in which it was appraised, upon its acquisition by the said testator from the Marine authorities of the Spanish Government not counting the improvements made thereon by 30 years of residence.

WHEREFORE the said appearer doth solemnly and publicly protest against the losses and damages to her property and interests, due to the lack of protection which should have been afforded her by the Spanish Government, and she considers that in representation of the interests of all the parties concerned, she is entitled to receive an indemnity from the Spanish Government to the said amount of two hundred

thousand dollars, and doth hereby make formal demand and claim upon x the said Spanish Government for said amount, with interest thereon until time of payment, and such further relief as may be afforded her.

(Signed) Ma. DOLORES JOSEFA GARCIA y PINO.
VIUDA de DURIO

CONSULATE GENERAL of the UNITED STATES

H A B A N A.

BE IT KNOWN that on this 6th. day of july, 1896, before me, the undersigned, Consul General of the United States at HABANA, personally appeared Mrs. MARIA de los DOLORES JOSEFA GARCIA y PINO viuda de DURIO, a citizen of the United States, known to me personally, as the person named in the foregoing document in the nature of a protest and claim for indemnity against the Spanish Government, to which she hath subscribed her name, and duly sworn, deposed to the facts therein set forth, which she declares to be true.

WITNESS my hand and the seal of this
(Seal) Consulate General this 6th. day of
July 1896.

----------o----------

A true copy:-

- Consul General.

ASSISTANT SECRETARY
JUL 14 1896
DEPARTMENT OF STATE

No: 45.

INDEX BUREAU
RECD.
JUL 14 1896
DEPT. OF STATE

U. S. Consulate General

Habana, July 9th 1896.

Mr. Lee

Con. Dept
to Treasury
July 16.

to the

Department of State.

Respecting the visa of passports of chinese bound to United States.

One enclosure.

No: 45.

U. S. Consulate General.
Habana, July 9th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State,
Washington.
D. C.

Sir:

With reference to the Department's instruction number 17. of the 29th ultimo, I have the honor to state that I have received from my Chinese colleague, a letter dated the 6th instant, to the effect that in order to prevent the repetition of

abuses reported to have
been committed in using
anew passports issued by
his office to chinese subjects,
leaving this port for the
United States, who send
them back after arrival
there, to serve for other
persons, - he had decided
to affix to each passport
issued in future, a note:
"good for one trip only", and
requests that I will aid
him in putting a stop
to the irregular practices
reported, by not putting
my vise to any chinese
passports that present
evidence of having been

once used for landing in the United States; and further that he had cancelled all passports issued by him up to January 1st of this year.

I shall observe the precaution suggested by the Chinese Consul General, and also exercise all other possible precautions to prevent the evasion of the chinese exclusion laws.

I am, Sir,

Very respectfully

your obedient servant,

Consul General.

One enclosure.

Enclosure No.1.

With Despatch No. 45.

H A B A N A , July 9th,1896.

Copy:

CONSULATE GENERAL of CHINA.
HABANA, July 6th,1896.

Hon:Fitzhugh Lee.

U.S.Consul General.

HABANA.

Dear Colleague:

To prevent the repetition of abuses reported to have been committed in using anew passports issued by this Consulate General to chinese subjects leaving the island for the United States and who send them back after arrival there,to serve for other persons, I have decided to affix to each passport issued in future,a note stating that it is issued for one trip only,and I shall be greatly obliged to you if you will aid me in putting a stop to these irregular practices that are reported,by not placing your visé on any passports that show by the stamp or note of the U.S. custom house officials that they have already been presented once at an american landing port. To prevent also undue use being made of expired passports,I have to advise you that all passports issued by this office up to January 1st of the present year,have been cancelled.

I tender you beforehand my thanks for this kindly aid to insure the cessation of the illegal use stated to be made, by unknown persons, of documents issued specially to those presenting proof of their right to obtain them and regarding whom alone can any responsibility be attributed to this office.

I remain, etc,

(Signed) YU SHI YI.

Consul General of China.

INDEX BUREAU
REC'D.
JUL 14 1896
DEPT. OF STATE

ASSISTANT SECRETARY
JUL 14 1896
DEPARTMENT OF STATE

No. 46

U.S. Consulate General
Habana July 9. 1896.

Mr. Lee,
to the
Dept. of State

Transmitting extracts
from French papers.

Enclosures referred to.

No. 46

U.S. Consulate General
Habana July-9-1896.

Hon. William W. Rockhill.
Assistant Secretary of State.
Washington
D. C.

Sir -

I have the honor to transmit herewith extracts from French papers based, I suppose, upon premature hypothetical statements of New York papers.

I am, Sir:-

Very respectfully.

Your obedient servant.

Consul General.

Enclosure
with Despatch no 46. July 9/96.

Argus de la Presse

FONDÉ EN 1879

TÉLÉPHONE

155, RUE MONTMARTRE, 155

PARIS

Correspondants de l'Argus

Saint-Pétersbourg, Moscou, Berlin
Londres, New-York, Milan, Lisbonne,
Constantinople, Palerme,
Yokohama, etc.

N° DE DÉBIT

Extrait de INTRANSIGEANT

Adresse : 142, Rue Montmartre

Date : 4 Juin 1896

Signature :

A CUBA

Le rapport du consul Lee. — Intervention imminente des Etats-Unis. — Le gouvernement espagnol se prépare à la guerre.

Hier soir, le télégraphe a transmis de New-York aux journaux européens une grosse nouvelle.

Le président Cleveland, qui a usé et abusé des pouvoirs que lui confèrait la constitution américaine en refusant aux insurgés cubains la qualité de belligérants que leur reconnaissaient le Sénat et la Chambre de Washington, est sur le point d'avoir la main forcée.

Le général Lee, consul des Etats-Unis à La Havane, [illegible] envoyé avant-hier deux rapports sur la situation à Cuba. L'un, destiné à M. Cleveland, est confidentiel; l'autre, adressé au département d'Etat, c'est-à-dire à M. Olney, est rédigé en termes tels qu'il peut constituer la base d'une intervention armée de la part des Etats-Unis. Ce dernier rapport constate qu'il n'y a qu'une solution au problème cubain : c'est l'autonomie sur le modèle du Canada.

Encore, constate très justement M. Lee, peut-être est-il trop tard pour appliquer même ce remède, maintenant que les insurgés exigent la renonciation sans conditions de l'Espagne et l'établissement à Cuba d'une république indépendante.

Les Espagnols, dit ensuite le consul américain, sont tout à fait impuissants à protéger la vie et la propriété des étrangers, et à moins que ce danger permanent ne soit écarté, il est à souhaiter que les Etats-Unis reconnaissent aux insurgés la qualité de belligérants. Toutefois, le moyen le plus pratique de mettre fin à l'insurrection serait une intervention armée. Les intérêts de l'humanité justifieraient cette intervention qui pourrait se manifester sous la forme de l'envoi à Cuba d'une flotte américaine. Les mouvements des navires espagnols seraient ainsi immobilisés; les Cubains, recevant désormais tous leurs approvisionnements en armes et en munitions, et n'étant plus gênés par la présence des croiseurs espagnols, pourraient chasser leurs adversaires.

Cette nouvelle a produit à Madrid l'effet d'un coup de foudre. Dans tous les cercles politiques, on entrevoit un conflit avec les Etats-Unis comme d'autant plus inévitable que le remplacement de M. Cleveland à la présidence par M. Mac Kinley ne fait de doute pour personne. Or M. Mac Kinley, candidat des républicains, a inscrit en tête de son programme électoral : « Cuba libre. »

Le gouvernement espagnol a définitivement décidé l'achat de deux croiseurs construits à Gênes, l'un au prix de 17 millions et l'autre au prix de 18 millions, payables en or. Le gouvernement traitera directement avec la maison Ansaldo, constructeur, afin d'obtenir un rabais. Il aurait de plus, commandé deux contre-torpilleurs à ajouter aux quatre que l'on construit pour lui en Angleterre.

Nouvelle victoire de Maceo

Naturellement, le gouvernement fait démentir la nouvelle de la grande victoire remportée par Maximo Gomez sur les généraux Castellanos et Godoy. Malheureusement, les journaux commencent à se lasser d'enregistrer toujours les racontars ou les démentis officiels.

C'est ainsi qu'alors qu'on annonce dans une dépêche officielle que les forces de Maceo auraient tenté inutilement de franchir la *trocha*, plusieurs journaux annoncent que le célèbre général révolutionnaire remporté a une nouvelle victoire près de la ville de Pinar del Rio, infligeant à ses adversaires de grandes pertes et occupant toutes leurs positions.

N° DE DÉBIT

Extrait de LE SOLEIL

Adresse : 42, R. N.-D. des Victoires

Date : 3 Juin 1896

Signature :

Etats-Unis

Le général Fitzhug Lee, consul général des Etats-Unis à la Havane, vient d'adresser au président Cleveland un rapport confidentiel sur la situation à Cuba, qui est rédigé en termes tels qu'il semble pouvoir être la base d'une intervention armée de la part des Etat-Unis, malgré l'intention du président Cleveland de s'abstenir de toute action contre l'Espagne pendant les derniers mois de sa présidence. Le général Fitzhug Lee a adressé en même temps un rapport officiel au secrétaire d'Etat M. Olney, qui exprime l'opinion qu'il n'y a qu'une solution au problème cubain : c'est l'autonomie sur le modèle du Canada; encore est-il peut-être trop tard pour appliquer cette mesure. Les Espagnols, dit le général Lee, sont tout à fait impuissants à protéger la vie et la propriété des étrangers, et il est à souhaiter que les Etats-Unis reconnaissent aux insurgés la qualité de belligérants. Toutefois, le moyen le plus pratique de mettre fin à l'insurrection serait une intervention armée. Les intérêts de l'humanité justifieraient cette intervention, qui pourrait se manifester sous la forme de l'envoi à Cuba d'une flotte américaine. Les Cubains, recevant tous leurs approvisionnements en armes et en munitions et n'étant plus gênés par la présence des croiseurs espagnols, pourraient chasser leurs adversaires.

Il n'est pas probable que le président Cleveland donne suite à ces conseils. Mais si M. Mac Kinley est réellement élu président des Etats-Unis, il pourrait en être autrement.

Confidential

No 47

U.S. Consulate General

Habana - July - 9 - 1896

9

Mr Lee.

Extract July 15.

to the

Dept. of State

Transmitting statement of places where Cuban bonds of 1886 and 1890 are held and their approximate Amounts.

INDEX BUREAU
REC'D.
AUG 7 1896
DEPT. OF STATE

Secretary of State.
JUL 14 1896

No 47

U.S. Consulate General.

Habana July-9-1896.

Hon. Richard Olney.
Secretary of State.
Washington
D.C.

Sir- Rel. Pub R.O.

I have the honor to say that as far as I have ascertained the Cuban lands of 1886 and 1890 are held in the following approximative Amounts.

Viz:

Bank of Paris ——— £3.500.000

" of Pays Bas ——— 2.500.000 (Amsterdam.)

" of Spain ——— 11.000.000

" of Barcelona ——— 3.000.000.

Banco Hispano Colonial ——— 3.000 000

" Hipoticario. ——— 2.000,000.

Rothschilds ——— 3.000.000.

Compania Transatlantica ——— 2 000.000.

£30.000.000.

In private brands, chiefly in Spain, and with smaller banks - about. 24.000.000

£67 000.000.

or about

285.000.000 dollars.

I am, Sir:-

Very respectfully

Your obedient servant.

Consul General.

ASSISTANT SECRETARY
MAR 24 1897
DEPARTMENT OF STATE

Confidential.

No. 48.

U.S. Consulate General.

Havana, July 11, 1896.

Mr. Lee

No. 2.

to the

Secretary of State,

Washington, D.C.

Political condition

of Cuba.

Constitution of the

civil government of the

insurgents in this Island.

Confidential.

No. 48.

U. S. Consulate General.
Havana, July 11, 1896.

Honorable Richard Olney,
Secretary of State,
Washington, D. C.

Sir:

In reply to questions asked in your confidential communication of July 29th, 1896, I have the honor to give the following statements concerning the Civil government of the insurgents in this Island:

The Constitution

of

of the Republic of Cuba,
as it is called, was
drafted on the 16th of
September, 1895, at
Jimaguayú by the
Constituent Assembly,
and signed by the
representatives of the
different provinces.
Article third provides
that a Council of
government "shall
"have power to dictate
"all measures relative
"to the civil and political
"life of the Revolution,"
and this has been
done, I am told,
wherever the presence
of

of the Cuban arms has made it possible. A civil governor and tax collectors have been appointed in all the provinces; wherever it has been possible the latter have collected taxes from the owners of sugar estates and wherever that is done the owners have been allowed to grind unmolested, while the estates of those who have not paid taxes, but nevertheless have attempted to grind, have been destroyed. I am also

also informed that in the provinces of Puerto Principe and Cuba, courts of justice have been established, schools in many places are in operation, hospitals are in existence, generally in concealed places in the woods or in in-accessible places in the mountains, mail is imperfectly organized over the Island, but communications from abroad and from different parts of the Island are received by those to whom they are

are addressed through secret channels. The insurgents have no currency except the current gold and silver of the Spanish dominions. The insurgent forces do not seem to be under the control of any civil government so far as the direction of military operations are concerned, practically General Máximo Gomez' views on all questions prevail, though it is not understood that interferes with the minor details of

of the civil machinery put in motion by the civil authorities.

The President of the Republic of Cuba is Salvador Cisneros y Betancourt, Marquis de Santa Lucia, who I am informed has dropped the title of Marquis, because it is not consistent with his position as a Republican official. The Secretary of War is named Carlos Roloff, the officer of the Treasury Severo Pina, the Secretary of Exterior, Garcia Canizares, the Secretary of Exterior, Rafael

Rafael Portuondo, while
the Vice President is Bartolo
Masso'.

I find that the civil
government collects taxes
which are fixed by the
resources of the tax
payers. It is claimed
that a general rule
would not be applicable
to all, on account of
the complete stagnation
of business, in the absence
of any other resource,
except what the taxpayers
can produce. The in-
surgent government has
at present no fixed or
permanent capital. It
assembles

assembles wherever it
is safest and most
convenient, and the
members of it travel in
a body over the Island
and under military
escort for the purpose
of maintaining the
execution of law and
settling pending questions
in dispute. I am
informed the Government
declines to accept a
permanent location,
because it would require
a permanent force to
guard and sustain
it, which force could
be more profitably
employed

employed in the
general campaign.

I am, Sir,

Very respectfully,

Your obt servant

Fitzhugh Lee

Consul General

ASSISTANT SECRETARY
MAR 24 1897
DEPARTMENT OF STATE

Dispatch
File

Confidential

No. 49

U.S. Consulate General
Havana, July 13, 1896.

Mr. Lee
to the
Secretary of State,
Washington D.C.

File
2-U.

Political condition of Cuba.

Transmitting translation
of a communication received
from a brigadier general
in the insurgent Army.

Confidential.

No. 119.

U.S. Consulate General.
Havana, July 13, 1896.

Honorable Richard Olney,
Secretary of State,
Washington,
D.C.

Sir:

The prolongation of the war here is attended with two very serious consequences: one, the loss of property which will ultimately result in the total devastation of the Island; Second, the loss of life with its

its attendant record of atrocities. Both contestants are contributing more or less to bring about this condition. The horrors of war are ever present in military campaigns, but within my experience and knowledge of military matters I am correct in stating that a more unusual and barbarous warfare exists in Cuba to-day. Many of the outrages that are recorded are often exaggerated, some do not take place at

at all; but undoubtedly
a sufficient number
remain to substantiate
what I have stated.

Naturally, most of
the information I get on
that subject reaches me
from the insurgent side.
The Spanish version
is not presented to me,
their reports are, of course,
made direct through
their commanding officers
to the Captain General,
who does not communi-
cate them to outside
parties. As a specimen
of letters received on
such subjects I send
you

/ you herein a communication from a brigadier general in the insurgent Army. It is difficult for me to verify all such statements because it involves the risk of life or liberty to any person charged with making such investigations.

I am, Sir,

Very respectfully,

Your ~~obedient servant~~,

Fitzhugh Lee

Consul General.

1 Enclosure:

No. 1 - Communication referred to.

Confidential.

Enclosure No.1.
With Despatch No. 49
HABANA, July 13, 1896.

Translation:.

Republic of Cuba.
Liberating Army. 5th Corps.
1st Division. 4th Brigade.

Mr.Pitzhugh Lee,
U.S.Consul General. HABANA.

Sir:

I will permit myself to trouble you for a few moments with an account of some of the events of the present contest.

The horrors of this war have no parrallel. Nothing more gloomy and detestable than the conduct observed by the Spanish army palming off upon the insurgents their criminal infamies, and their repugnant deeds. The 30th of last May the local guerilla of Helena del Sur after having robbed and burned the magnificent plantation "Sta ROSA",hung a negress and two negroes of the vicinity,putting on their breasts a placard,- for the negress,"For being a w--- x . . . . x, Castillo, undecypherable,but putting my name at the close without trying to imitate my signature. They also put placards on the nrgroes,"For being Spanish spies"."Castillo". Please to note the devilish intention of hiding their crime.

A column does not pass by any place where we may have crossed or pitched our camp,without destroying everything it meets in its deadly path.Here a house the prey to flames, after having sacked it of everything of value or use,under the pretext that it had served us as a resting place. There, a peaceful countryman dragged from his plough and hung from a tree as a punishment for having given us water. And again, a woman beaten because after being robbed of all her clothing, jewelry,chickens, etc,she had dared to protest against the outrage. And everywhere the destruction of cattle and horses.

Enclosure No.1.

Letter of Recommendation No. 131

Dated, ALABAMA July 1, 1861.

Translation:

To all whom these presents may come, Greeting:

Know Ye, That reposing special confidence in the Patriotism, Valor, and fidelity of Lafayette McLaws, I do hereby appoint him Major General in the Army of the Confederate States, to rank as such from the Sixteenth day of September, A.D. 1861.

He is therefore carefully and diligently to discharge the duties of said office by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all officers and men under his command, to be obedient to his orders as Major General. And he is to observe and follow such orders and directions, from time to time, as he shall receive from me, or the future President of the Confederate States, or any superior officer set over him, according to the Rules and Articles of War.

In Testimony Whereof, I have caused these Letters to be made Patent, and the Great Seal of the Confederate States to be hereunto affixed.

Done at the City of Montgomery, this Sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the Confederate States of America the second.

By the President:

Jefferson Davis.

L.S.

Secretary of State.

Their frantic greed is to shed blood,but with safety and impunity to themselves. Those of us made prisoners are killed in the act,although we release the prisoners we may make, and although our prisoners are few,it is the more painful because those that our adversaries kill,are generally harmless "pacificos". Lately there happened the heighth of arbitrary acts. The municipal alcalde of [illegible]de las Vegas in the full exercise of his office,passed over to our flag,and left his wife and family in the said town under the care of their relatives. Within the past few days, a chief of a column and the present Mayor or Alcalde of the town,after insulting grossly the poor woman,as also the wife of a captain of volunteers and a municipal Judge who have also passed over to us, threatened them that if within ten days they and their children and family had not left the place to join their husbands they would drag them by the hair and leave them on the public roads.

Why should I make any commentaries ?

I do not wish to trouble you any more,Judge if you can consider my statements true,for which I can give no other guarantee than the sincerity of my words.

I take this opportunity to offer you the expression of mi consideration and respect.

(Signed) A.del CASTILLO.

Chief of Brigade, Zone of Melena del sur .

Country and Liberty. In the field,July 1st,1896.

P.S. I beg you to send someone herewho may become an eye witness of all I have stated, whom I shall escort and defend most effectively. A.Del C.

CRANE'S

ASSISTANT SECRETARY
JUL 20 1896
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
JUL 18 1896
DEPT OF STATE

No 50.

Mr Adee

U. S. Consulate General.

Habana, July 14 1896.

Mr. Lee

Read July 31.

to the

Department of State.

Transmitting copy of a request to intercede for the pardon of the Competitor's prisoners.

One inclosure.

20 ASSISTANT SECRETARY
JUL 28 1896

Mr. Rockhill.

Mr. Lee's despatch reached us too late to take any action as suggested, looking to the pardon of the Competitor prisoners on the Queen Regent's birthday, July 21st. Even if received earlier, action would have been unavailing as the law could not have pardoned any persons whose cases were still in the courts. Pardon can only be exercised after judicial proceedings are exhausted, - at least that would have been the Spanish

reply.

The last from Hamun Taylor on the subject is his telegram of July 1st, reporting that the Minister for For. Affairs "could say nothing more definite than Competitor case will be decided as soon as possible." Latest press telegrams indicate that no decision has yet been reached.

Shall we say something like this to Gen'l Lee?

Yes. WR

ADL

No 50.

U. S. Consulate General.
Habana, July 14th 1896.

Hon: William W. Rockhill
Assistant Secretary of State.
Washington.
D. C.

Sir;

I herewith transmit copy translation of a communication received from the father of Alfredo Laborde, the captain of the schooner "Competitor", and signed "The families "of the Competitor's prisoners", in which a request is

made of me, to intercede with the Honorable Secretary of State, that our Government may ask for the pardon of the Competitor's prisoners.

I forward the same for such action as the Honorable Secretary of State shall deem best to take in the matter.

I am, Sir,

Very respectfully

Your obedient servant

Fitzgerald

Consul General

One enclosure;

Document referred to;

Enclosure No.1.
With Despatch No.80.
H A B A N A , July 14th,1896.

Copy translation.

H A B A N A , July 13th,1896.

To the Consul General of the United States,

HABANA.

The Consul General is requested to intercede with the Honorable Secretary of State,that he in turn may appeal to the Spanish Government,in order to obtain the pardon of the captain and crew of the Schooner "COMPETITOR".

Should the Consul General decide to do so by cable, there would be an opportunity by said pardon,to solemnize the birthday of H.M.the Queen Regent,which is celebrated the 31st of this month.

It is unquestionable that the Spanish Government must thank the United States Government for the attitude it has observed during this civil war,always favorable to the former,notwithstanding the popular manifestations against it, which has been expressed by all the organs of public opinion in the United States.

Therefore,if in the strict ground of law,there are no terms wherein to request what is hereby petitioned of the Consul General,yet on the grounds of grace and mercy there is room enough,without counting also that every occasion is fit to perform a good action.

The high illustration and intelligence of the Consul General will add to this petition such other considerations as may give it more strength and greater probabilities of a favorable result.

(Signed) The families of the "COMPETITOR'S Prisoners.

ASSISTANT SECRETARY
DEC 15 1896
DEPARTMENT OF STATE.

TELEGRAM RECEIVED

INDEX BUREAU
REC'D.
AUG 1 1896
DEPT. OF STATE

5 M

From Havana

July 15, 1896.

Received 1.51 P.M.

Asst Secy of State,

Washington D.C.

Had already claimed
Aguirre American Informed
by Admiral question jurisdiction
pending

Lee

Copied to Senator Call
& C. C. Cleveland.
July 17.

4. Me

14.

TELEGRAM RECEIVED.

DEPT. OF STATE
JUL 15, 3.12 PM 1896
CHF. CLKS. OFFICE
RECEIVED

Inform Senator Calle? Also did so July 17.

From Havana

July 15, 1896.

Received 1.50 P.M.

Secretary of State,

Washington, D.C.

Case Somellan before Civil Court Charged aiding rebellion

Lee

N.

File

ASSISTANT SECRETARY
JUL 20 1896
DEPARTMENT OF STATE.

No. 51.

INDEX BUREAU
RECD.
JUL 18 1896
DEPARTMENT OF STATE.

U.S. Consulate General,
Havana, July 15, 1896.

Mr. Lee

File

to the

Department of State

Acknowledging receipt of
and confirming telegram
relative to case of Somellan

No. 51.

U. S. Consulate General.
Havana, July 15, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge receipt of a telegram from the Honorable Secretary of State, reading:

"It is reported that
"Louis Sommellan has
"been recaptured, en-
"deavor to secure prompt
observance

"observance of all
"rights, and his re-
"lease, if no specific
"charges appear."

With respect to this case of Mr. Louis Soumillan, who was arrested in the evening of the 7th instant, and his house and office searched by the police, as soon as the matter was brought to my attention, I called on the Governor General, on the 10th instant, and personally delivered him a communication claiming Mr. Soumillan as

an

an American citizen, asking for the cause of his arrest, and that he should be released, should there be no charges substantiated against him, or contrariwise, that he be submitted to trial by the courts of ordinary jurisdiction. Upon reading my communication the Governor General said 'agreed.'

I have this morning received the General's answer, dated July 12, to the effect that Somcillan has been turned over to the civil court, and have

have in consequence
telegraphed to the Hon.
Secretary of State as
follows:

"Case Somcillan
"before civil court charged
"aiding rebellion"; which
I beg to confirm.

I am, Sir,

Very respectfully,
Your ob. servant,
Joseph G. Hall
Consul General

ASSISTANT SECRETARY
JUL 20 1896
DEPARTMENT OF STATE

No. 52.

INDEX BUREAU
RECD.
JUL 18 1896
DEPT OF STATE

U. S. Consulate General
Habana, July 15 1896.

Mr Lee.

to the

Department of State.

Case of George Aguirre.
Receipt of Departments
telegram, and confirming
telegram in answer.

No: 52.

U. S. Consulate General.

Habana, July 15th 1896.

Hon: William W. Rockhill,

Assistant Secretary of State,

Washington.

D. C.

Sir:

I have the honor to acknowledge the receipt of your telegram, dated 14th instant, reading:

"George Azcuirre claiming
" American citizenship
" reported captured by
" Spanish gun boat
" and imprisoned at

"Habana; investigate
"and report by cable".
"(Signed) Rockhill.

I had already addressed the Admiral commanding this Naval Station, with respect to this case, as Aguirre was captured by the marine authorities, and I also sent a communication to the Governor General of the same tenor, both dated 13th instant.
I claimed Aguirre as an American, a native of New York, certifying to his inscription as such in the Register

of Citizens of this Consulate General, and asked for his release shewed there be no charges against him; otherwise, that he be tried by civil jurisdiction, in conformity with the treaty between the United States and Spain of 1795, and the protocol of January 12th 1877.

I have received a communication from the Admiral dated 14th instant, in which he states that the question of jurisdiction is pending and being examined, and that my communication has been referred to the

Fiscal, or prosecuting officer,
for his opinion thereon,
according to law.

I have in consequence
transmitted the following
Telegram, which I confirm:

"Had already claimed
"Aguirre American.
"Informed by Admiral
"question jurisdiction
"now pending.

(signed) Lee.

I am, Sir,

very respectfully

Your obedient servant,

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
MAR 24 1897
DEPARTMENT OF STATE

Confidential.

No: 53

U. S. Consulate General

Habana, July 15 1896.

Mr. Lee,

to the

Secretary of State.

Affairs of Cuba.

Confidential.

No. 53

U. S. Consulate General.
Habana. July 15th 1896.

Hon: Richard Olney
Secretary of State.
Washington
D. C.

Sir:

Captain General Weyler proposes to issue a decree requiring all foreigners to register at his office. It enforces an old law.

Yesterday a passenger train was blown up by the insurgents near Matanzas, about 40 miles away.

The duel between Gen: Bradley Johnson and a Spanish officer did not take place. The Spanish officer withdrew the challenge.

Am assured by excellent authority that Gen: Weyler will be relieved from duty here last of August.

Consul at Matanzas reports Spanish custom house official in inspecting a box of supplies sent from the Department of State, containing U.S. flags, took one out of the box, threw it on the ground, and insultingly trampled on it. Am closely investigating the matter.

Very respectfully, your obedient servant,

Fitzhugh Gall

Consul General.

ASSISTANT SECRETARY
JUL 22 1896
DEPARTMENT OF STATE

Cons'l
Aug. 11

No. 54.

INDEX BUREAU
RECD.
JUL 22 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, July 16 1896.

DIPLOMATIC
BUREAU

Mr. Lee

to the

Department of State.

To Spanish Minister July 22 96

Transmitting copy and translation of Decree respecting registration of foreigners.

2 Enclosures.

Mr Adee,

What do you think of this? Art II seems open to grave objections

WR

Mr. Rockhill.

It is inadmissible as international law. Our position is clearly shown in Mr. Frelinghuysen's No. 298 to Mr. Morgan, Mexico, July 24, 1882, F.R. 1882, page 394 et seq. Mexico admitted our contention and amended her law.

July 23, 1896.

AAA

No: 54,

U. S. Consulate General.
Habana, July 16th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D. C.

Sir:

I accompany herewith a copy and translation of the decree referred to in my No. 53, issued by the Governor General of the Island, dated 14th instant, respecting the registration of foreign citizens resident in this Island, in a special register to be

kept at the offices of the General Governments of this, and other provinces.

A copy of this decree was communicated to this office by the Governor General.

I am, Sir,

Very respectfully

Your obedient servant,

Fitzhugh Ludlow

Consul General.

Enclosure;

Copy & translation of decree referred to.

Enclosure No.1.

With Despatch No. 54

H A V A N A ,July 16,1896.

TRANSLATION.

From THE GAZETTE of Havana,July 15,1896.

GENERAL GOVERNMENT of the ISLAND of CUBA.

The non-observance on the part of foreign citizens residents of this Island,of the provisions contained in the Law relating to Foreigners of the 4th of July,1870,and those of Civil Register and Regulations for its application,and the frequency with which they conceal or invoke their condition of foreigners,as it may in each case favor or prejudice them, compel me to order as follows:

First:- A period of one month,counting from the publication of this Decree in the HAVANA GAZETTE and Bulletins of the provinces,is hereby granted to all foreigners residents of this Island to apply to the special Register of citizenship of the General Government,on any office day,from twelve to three o'clock p.m.,to make their inscription in accordance with the form and the requirements set forth in chapter seventh first part,of the regulations for the application of the Law of Civil Register of the 6th of November,1884,which chapter seventh,first part,is herein inserted in order that they may not allege ignorance.

Second:- In accordance with article seventh of the Law relating to Foreigners of the 4th of July,1870,and the articles

Enclosure No.1.

With Despatch No. 24

H A V A N A , July 1st, 1898.

TRANSLATION.

From the GAZETA de HAVANA, July 1st, 1898.

GENERAL GOVERNMENT of the ISLAND of CUBA.

Sanitary Regulations.

Whereas the following sanitary measures have been adopted by the Board of Health, and have been approved by the Governor General, and whereas it is necessary that they should be published and enforced without delay, I hereby order the following regulations to be published and enforced in the Island of Cuba, from and after the date hereof.

1st. Every vessel arriving at any port in the Island of Cuba, from any port in the United States, shall be subjected to a rigid inspection by the Health Officer, and no person shall be allowed to land from such vessel, until such inspection shall have been made, and a certificate of health granted by the Health Officer.

2nd. Every vessel arriving at any port in the Island of Cuba, from any port in the United States, shall be subjected to a rigid inspection by the Health Officer, and no person shall be allowed to land from such vessel, until such inspection shall have been made, and a certificate of health granted by the Health Officer.

of the above mentioned chapter seventh,part first,of the regulations for the application of the law of Civil Register, foreigners who do not prove having complied with the required registration,at the expiration of the period referred to in the preceding article,cannot invoke the rights and privileges granted to them by our laws.

Buenos,14 July,1896.

NATIONAL ARCHIVES
1981

Enclosure, No 2

With Dispatch no 54.

Habana. July 16th 1896.

GACETA DE LA HABANA

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

La inobservancia por parte de los ciudadanos extranjeros residentes en esta Isla, de los preceptos contenidos en la Ley de Extranjería de 4 de Julio de 1870 y del Registro Civil y Reglamento para su ejecución, y la frecuencia conque estos ocultan ó invocan su condición de extranjeros, según pueda en cada caso favorecerles ó perjudicarles, me obligan á ordenar lo siguiente:

1º Se concede á todos los extranjeros residentes en la isla de Cuba, el plazo de un mes, á contar desde la publicación de este Decreto en la GACETA DE LA HABANA y *Boletines* de las provincias, para que acudan al Registro especial de ciudadanía del Gobierno general, cualquier día hábil, de doce á tres de la tarde, á verificar su inscripción en la forma y con los requisitos marcados en el capítulo séptimo apartado primero del reglamento para la ejecución de la ley del Registro civil de 6 de Noviembre de 1884, cuyo capítulo séptimo, apartado primero, se inserta á continuación para que no pueda alegarse ignorancia.

2º Como previene el artículo séptimo de la ley de Extranjería de 4 de Julio de 1870, y los artículos del mencionado capítulo 7º, apartado 1º del reglamento para la ejecución de la ley de Registro civil, los extranjeros que no acrediten haber cumplido el requisito de la inscripción, transcurrido el plazo de que trata el artículo anterior, no podrán invocar los derechos ó privilegios que les conceden nuestras leyes.

Habana, 14 de Julio de 1896.

Valeriano Weyler.

Reglamento para la ejecución de la ley de Registro Civil.

CAPÍTULO VII

Del Registro especial de ciudadanía.

I.

«Art. 73. Los cambios de nacionalidad producirán efectos legales en las islas de Cuba y Puerto Rico solamente desde el día en que sean inscriptos en el Registro especial que ha de llevarse en cada uno de los Gobiernos generales de dichas islas.

Art. 74. En todos los casos en que se trate de inscribir en el Registro civil un acto por virtud del cual se adquiere, se recupera ó se pierde la nacionalidad española, deberá presentarse la partida de nacimiento del interesado, la de su matrimonio, si estuviere casado, y las del nacimiento de su esposa y de sus hijos.

Art. 75. No se practicará inscripción alguna en el Registro de ciudadanía relativa á la adquisición, recuperación ó pérdida de la calidad de español en virtud de declaración de persona interesada que no se halle emancipada y no haya cumplido la mayor edad.

Art. 76. La adquisición, recuperación ó pérdida de la nacionalidad española se anotará al márgen de las partidas de nacimiento de los interesados y de sus hijos, si dicho nacimiento hubiese sido inscripto en el Registro civil de la Península ó de las islas de Cuba ó Puerto Rico, remitiéndose al efecto copia certificada de la inscripción á los encargados de los Registros respectivos, quienes acusarán inmediatamente el recibo. Por la falta de cumplimiento de la disposición de este artículo se impondrá la multa prevista en el artículo 22 de la ley del Registro.

Art. 77. En todas las inscripciones del Registro de que hablan los artículos precedentes, se expresará si fuere posible, además de las circunstancias mencionadas en el artículo 6.° de la ley:

1.° El domicilio anterior del interesado.

2.° Los nombres y apellidos, naturaleza, domicilio y profesión ú oficio de sus padres, si pudiesen ser designados.

3.° El nombre, apellidos y naturaleza de su esposa, si estuviese casado.

4.° Los nombres y apellidos, naturaleza, vecindad y profesión ú oficio de los padres de ésta en el caso del número 2.°

5.° Los nombres, edad, naturaleza, residencia y profesión ú oficio de los hijos, manifestando si alguno de ellos está emancipado.

Cuando no fuese posible expresar alguna de las circunstancias mencionadas, se indicará en el acta el motivo de aquella imposibilidad.

Art. 78. Las cartas de naturaleza concedidas á extranjeros por el Gobierno Español, no producirán ninguno de sus efectos hasta que se hallen inscriptas en el Registro civil, á cuyo efecto deberá presentarse en dicho Registro por el interesado, el decreto de naturalización y los documentos expresados en el artículo 74 de este Reglamento, manifestando que renuncia á su nacionalidad anterior y jurando la Constitución de la Monarquía. En el asiento respectivo del Registro se expresarán estas circunstancias y la clase de la naturalización concedida.

Art. 79. Los extranjeros que hayan ganado vecindad en un pueblo de las islas de Cuba ó Puerto Rico, gozarán de la consideración y derechos de españoles desde el instante en que se haga la correspondiente inscripción en el Registro civil.

Al efecto deberán presentar en este Registro, justificación bastante, practicada con citación del Ministerio público, de los hechos en virtud de los cuales se gana dicha vecindad, renunciando en el acto á la nacionalidad que antes tenían.

De los hechos comprendidos en la justificación practicada y de esta renuncia, deberá hacerse mención expresa en el asiento respectivo.

Art. 80. Los nacidos en las islas de Cuba ó Puerto Rico de padres extranjeros, ó de padre extranjero y de madre española, que quieran gozar de la nacionalidad de España, deberán declararlo así en el término de un año, á contar desde el día en que cumplan la mayor edad, si á la sazón están ya emancipados, y en otro caso desde que alcancen la emancipación, renunciando al mismo tiempo á la nacionalidad de los padres.

Art. 81. La declaración ó renuncia de que habla el artículo anterior y consiguiente inscripción en el Registro, deberán hacerse ante el encargado de este Registro. Si residiere en país extranjero, se harán ante el agente diplomático ó consular de España acreditado en el punto más próximo, quien inscribirá el acta en el Registro de que está encargado, remitiendo copia al Gobierno general correspondiente.

Art. 82. Respecto á los nacidos de padre extranjero y madre española fuera del territorio de España, se observará la disposición contenida en el artículo anterior.

Art. 83. El español que hubiere perdido esta calidad por adquirir naturaleza en país extranjero, y tratare de recobrarla volviendo á las Antillas, podrá consignarlo declarando ser esta su voluntad ante el encargado del Registro del Gobierno general, renunciando á la protección del pabellón de aquel país y haciendo inscribir en el Registro civil esta declaración y renuncia.

Art. 84. El español que hubiere perdido su nacionalidad por entrar al servicio de una Potencia extranjera, sin licencia del Gobierno de España y tratase de recobrarla volviendo á las Antillas, además de los requisitos prevenidos en el artículo anterior, necesitará para recuperar la calidad de español, una rehabilitación especial del mismo Gobierno y en el respectivo asiento del Regisiro civil, deberá mencionarse expresamente esta rehabilitación.

Art. 85. El nacido en el extranjero de padre ó madre españoles que haya perdido la calidad de español por haberla perdido sus padres y trate de domiciliarse en las Antillas, podrá recuperarla también llenando los requisitos prevenidos en el artículo anterior.

Art. 86. Podrá recuperarla asimismo la mujer española casada con extranjero que pretenda domiciliarse en las Antillas después de cesar la autoridad marital para lo cual hará la declaración, renuncia é inscripción que quedan expresadas. En este caso la interesada habrá de presentar el documento que compruebe la cesación de dicha autoridad marital. Cuando ésta haya tenido lugar por viudez, se consignarán en el acta el nombre, apellido, naturaleza y último domicilio del marido difunto.

Art. 87. Los extranjeros que quieran fijar su residencia ó domicilio en las islas de Cuba ó Puerto Rico, deberán declararlo así ante el encargado del Registro del Gobierno general, quien procederá en el acto á la correspondiente inscripción en el Registro de ciudadanía, expresando en el asiento también con referencia á la simple manifestación del declarante y sin exigirle la presentación de las respectivas partidas de nacimiento y matrimonio, su nombre y apellidos, los de sus padres, esposa é hijos, su edad, lugar de su nacimiento y su profesión ú oficio. Igualmente declarará el interesado y se expresará en la inscripción el objeto que se proponga al fijar su domicilio en dichas islas, como es el de ejercer el oficio ó profesión que haya declarado, el de arraigarse y vivir de sus rentas ú otro cualquiera.

Art. 88. También deben inscribirse en el Registro de ciudadanía los cambios de domicilio de un término municipal á otro que hagan los extranjeros.

Art. 89. Los españoles domiciliados en las islas de Cuba ó Puerto Rico que trasladen su domicilio á país extranjero, donde sin más circunstancias que la de su residencia en él sean considerados como naturales, habrán menester para conservar la nacionalidad de España, manifestar que ésta es su voluntad al agente diplomático ó consular español, quien deberá inscribirles, así como también á su conyugue si fuere casado, y á los hijos que tuviesen, en el Registro especial de españoles residentes.»

El Secretario general,

El Marqués de Palmerola.

INDEX BUREAU
REC'D.
JUL 23 1896
DEPT. OF STATE

Enclosure copied
by Treasury July 23.

ASSISTANT SECRETARY
JUL 22 1896
DEPARTMENT OF STATE

No: 55

U. S. Consulate General

Habana, July 16 1896

Mr Lee

to the

Department of State.

Project of the issue of
bank notes for forced circulation.

One enclosure -

No: 55

U. S. Consulate General

Habana. July 16 98

Hon: William W. Rockhill

Assistant Secretary of State,

Washington.

D. C.

Sir:

I have the honor to enclose herewith, an agreement between the Minister of the Colonies, and the Spanish Bank located in this city, for the information of the Department, and as evidence of the exhaustion of the Spanish

Treasury and the doubtful
methods pursued to replenish
it.

I am, Sir,

Very respectfully

Your obedient servant,

F. Huntington Lee

Comptroller

One enclosure:

Project of issue of banknotes.

Enclosure No. 1

With Despatch No. 55 -

HAVANA, July 16, 1896.

Sir.

TRANSLATION.

ISSUE of BANK NOTES (Forced circulation.)

The Bank will issue $12.000.000 in Bank notes as a loan to the Goverment, the circulation of which notes will be enforced by a decree and are to be admitted at their face value, in all payments made to the State, with the exception of custom duties.

The Goverment will deposit in the coffers of the Bank $2.000.000 in GOLD and $1.000.000 in SILVER.

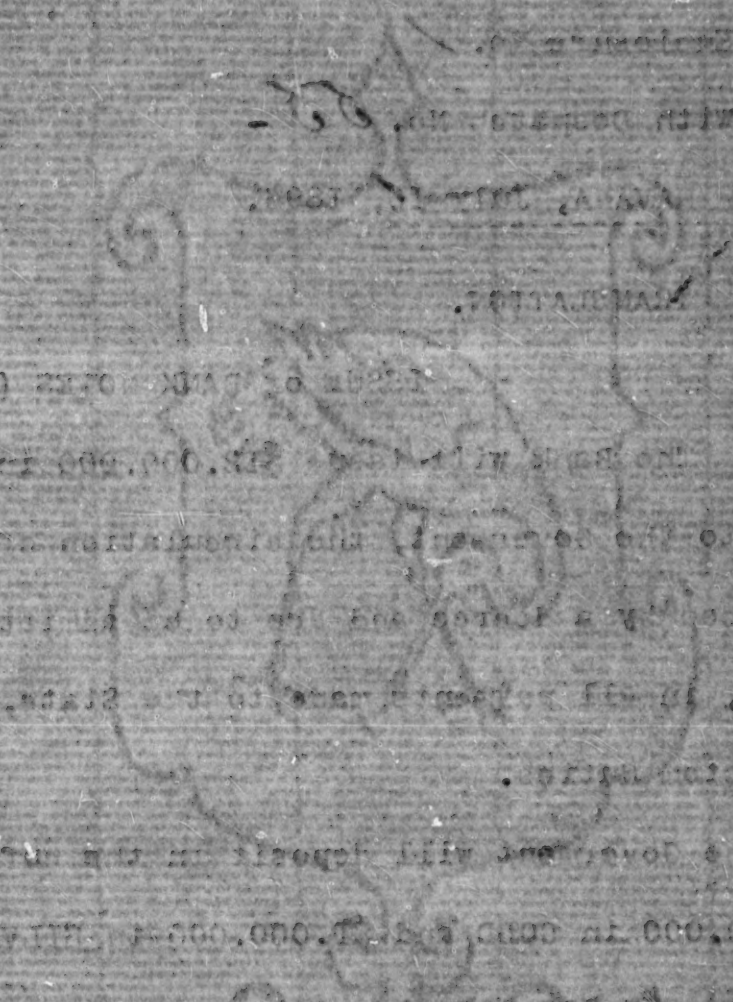
These $3.000.000, in addition to the cash the Bank has in its coffers, will permit it to exercise its privileges as a Bank of issue, issuing in notes the amount of its cash plus two thirds of same.

The Goverment will pay the Bank a monthly interest of (??). The Bank which collects the taxes, will retain a part of same during their collection, to be applied to the better security of the loan.

In no case can the Goverment make use of the $3.000.000 deposited, nor compel the Bank to a larger issue than that agreed upon.

These Bank notes are not exchangeable.

CRANE'S



ALL-LINEN

CRANE'S

United States Consulate.

Habana, July, I7, I896.



Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington, D. C.

Sir.

In view of the Captain General's recent Proclimation requesting all foreigners to register at the Palace, the question of the rights of the wives and children of naturaliz ed American citizens is daily brought to this office for solution.

I should like to have, as promptly as possible, the rulings of the Department on the subject, and in order that the matter may be thoroughly understood, I will cite a case that has been brought before me this morning.

Mr. Francis Landa, born in Cuba, but lived six years in the United States, as a merchant, and was duly admitted to become a citizen of said United States, by the Circuit court of the United States at Boston.

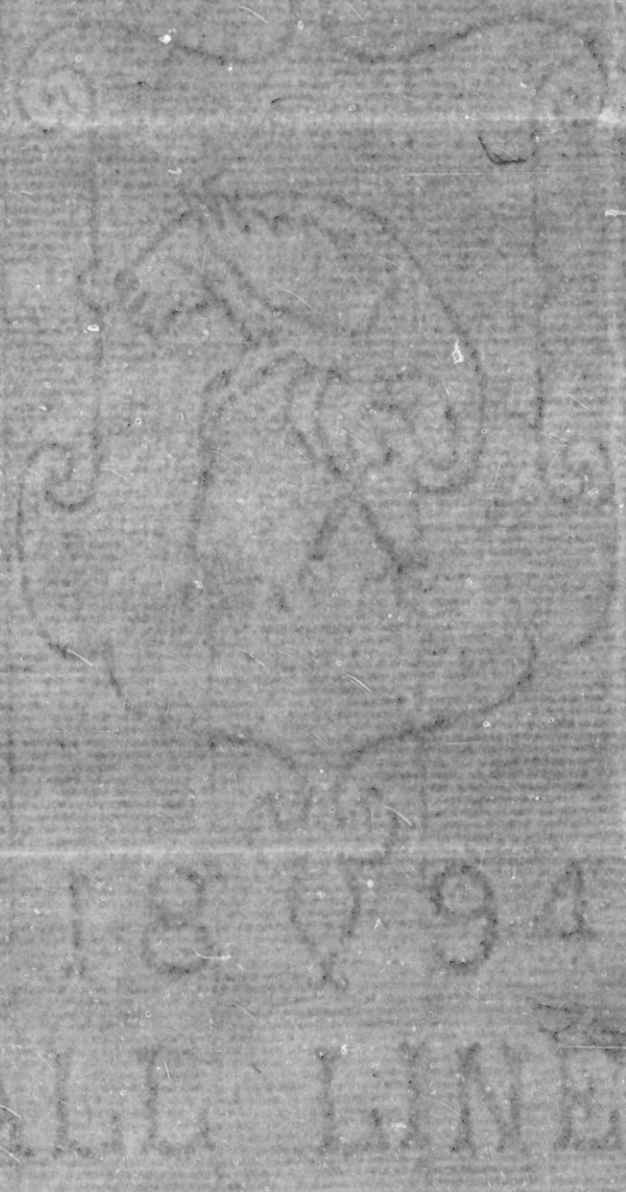
Mr. Landa died in I883, he had previously returned to Cuba, married a Cuban lady and has one son I4 years old.

The question submitted is, whether his widow, Senora Landa, and her son are entitled to all rights and privilages of American citizenship such as he possessed prior to his death.

COPY

Very respectfully your obedient servant.

Consul General.



DIPLOMATIC
SEP 18 1896
BUREAU.

ASSISTANT SECRETARY
JUL 22 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
JUL 22 1896
DEPT. OF STATE

No 56.

Main

U. S. Consulate General.

Habana, July 18th 1896.

Mr. Lee

to the

Department of State.

To Madrid Sept 19 96

Transmitting copy of a protest and claim for indemnity presented by Mr. Miguel dela Vega y Gener.

One enclosure.

No 56.

U. S. Consulate General.
Habana, July 18 1896.

Hon: William W. Rockhill
Assistant Secretary of State
Washington
D. C.

Sir:

I have the honor to transmit herewith copy of a statement made before me by Mr. Miguel dela Vega y Gener, a citizen of the United States, in which is embodied a claim for indemnity against the Spanish Government, for seventy one

thousand six hundred and
Eighty three 83/100 dollars, Spanish
gold, for losses and damages
to his property and interests
in this Island.

I am. Sir.

Very respectfully

your obedient servant

Fitzhugh Lee

Consul General

One enclosure:

Copy of claim referred to.

Enclosure No.

With Despatch No.

H A B A N A , July ,1896.

U. S. CONSULATE GENERAL.)
)
H-A-B-A-N-A.)
)

THE undersigned, MIGUEL de la VEGA y GENER, respectfully represents:-

That he is a native of the Island of Cuba, 38 years of age, married, proprietor, and that he is a naturalized citizen of the United States, having acquired said citizenship in Key West at the Circuit Court for the 6th. Judicial Circuit, County of Monroe, on December 8th: 1879:

That he shortly afterwards came to Cuba and was registered at the U. S. Consulate General, HABANA, on February 13th. 1896 under No. 4611 of the Consular register:

That since he came to the Island he has been a resident in the Province of Pinar del Rio in the tobacco and sugar business:

That in the city of HABANA and before the Notary Public by deed No. 545 DON FRANCISCO de CASTRO as an accidental substitute of the Notary office in this city DON JOAQUIN LANCIS as it appears in the books of said Notary, the undersigned being a general heir of Mrs. MARIA de la CARRIDAD GENER y RODRIGUEZ widow widow of DON JUAN ARRASTIA adjudged for his self the fourth part of the sugar plantation named "DOS HERMANOS",

alias "LAS TUNAS", in the Municipal District of SAN JUAN y MARTINEZ in the Province of Pinar del Rio, made up of fifteen hundred acres of land with its houses, machinery, cane fields, live stock and field implements of agriculture and utensils for the elaboration of sugar. Another tract of land of the Royal Patrimony "GRANADILLAL" with an extension of 336 acres of land annexed to the said plantation:

That on the first of September of the same year 1893, all taxes and State duties pertaining to the said plantation and lands annexed were paid to the corresponding office in the city of Pinar del Rio and the said deed was inscribed in the Register's office of said district:

That later on by deed drawn by the Notary public DON JOAQUIN LANCIS on the fourteenth day of August, 1893, the undersigned with the common consent of his co-heirs leased the referred plantation and tract of land annexed to it to DON MANUEL SAAVEDRA for the term of six years for the annual sum of twelve thousand one hundred and seventy two dollars and sixteen and two thirds cents in Spanish gold; of which amount one fourth corresponded to his share in the whole property, that is Three thousand and forty three dollars and four cents in Spanish gold:

That on the fourteenth day of April last as per act drawn before the Notary public repeated DON JOAQUIN LANCIS the tenant DON MANUEL SAAVEDRA NOTIFIED THE PROPRIETORS THAT ALL THE HOUSES IN THE

YARD AND ALL THE CANE FIELDS of the aforesaid plantation "DOS HERMANOS" alias "LAS TUNAS" had been destroyed by fire by the Insurgent bands, having taken with them all the live stock, burning all furniture and all implements, utensils etc. etc.; that as a consequence he suspended the payment of rents, notifying them to rebuild the estate to the same state it was before in order to continue his business there; on contrary he should annul the contract; demanding from them in either case an indemnity for the damage suffered by him:

That the tenant brought an action against them with the object of rescinding the contract, the case being appointed for the 20th. day of May next:

That the undersigned as a citizen of the United States of America considers himself entitled to an indemnity from the Spanish Government for his losses in the destruction of the said plantation.

THEREFORE he demands and claims from the said Spanish Government all losses and damages suffered by him, with the protest of the case setting forth in detail the said losses and damages as follows:-

LOSSES.

1. Purging house and clerk office large size, boards & tiles ---------- $6000.

1. House, carpenter shop of boards & tiles large size ---------- 5000.

2. Sugar Warehouses lined inside with pine tabloon and high floors, the outside made of stone wall ---------- 5000.

16000.

Brought forward	16000.
1. Stonewall Storehouse annexed to cornhouse-	$1000.
1. House Hospital with boards & tiles -------	800.
1. Dwelling house made of wall with stone columns on front. It was a new house------	8000.
1. Wall house for the overseer----------	500.
1. Chapel house with its altar and all the adorns and saints----------	4000.
1. Wall house for a school----------	1700.
1. Board & tile house for stable----------	600.
2. Large straw houses to keep bagazo for cooking juice----------	400.
2. Small straw houses for pigs and sheep-----	200.
1. Distilery of wall (only the house)--------	2000/
1. Large boiling and machinery house, boards, wall & tiles, im good condition----------	8000.
	43200

MACHINERY.

2. Engines, one for grinding and the other for double grinding cane with their mill, conductors, and two large boilers---------	30000.
1. Wood saw with all its annexes----------	800.
2. Engines packed up in very good condition, & boilers----------	2000.
3. Centrifugs with their engine----------	3000.
Several utensils of the boiler house------	100.
1. Cart scale to weigh cane, and its house with tin roof----------	500.
1. Vacuum pan and its annex----------	8000.
2. Jamaica trains to boil juice, in very good condition----------	2000.
3. Copper defecators----------	1500.
	91900.

Brought forward $1150.

2.Copper Mareshals---------- $ 800.

1.Press-filter:it cost with instalation---- 1000.

1.Distilery complete,good for 10pipes,

with all its annex---------- 3000.

24 New iron sugar cars---------- 300.

6.Donkeys,2 large & 4 small ones---------- 1000.

40.Bull carts at $100.each---------- -- 4000.

6.Large tubs for depositing malt and all the

annex of the distilery---------- 510.

1.Mill for grinding sugar with its

steam engine---------- 300.

1.Large mill to grind corn---------- 100.

2.Large tanks for molasses---------- 500.

7 Carts to haul bagazo---------- 56.

Machinery,carpenter & agricultural tools,

all calculated in---------- 1000.

10366

CANE FIELDS

2.Houses for working hands of board & tiles 3000.

1.Cane field belonging to the Estate,its

product is calculated in 30000 bags of

300 lbs.of sugar each---------- 50000.

1656 cordeles - 39744 yds.Barb fence

counting working hand---------- 1223.

864 yds.of same fence around the yard---------- 27.

FURNITURE.

Furniture of the dwelling existing there

valued at---------- 400.

LIVE STOCK.

45.Mules,all trained-at-$68.---------- 3060.

84.yokes of oxen at $68.---------- 5712.

167066.

Brought forward 167088

1. Saddle mule, valued----------$ 85.

TOTAL..... $167173.

One hundred and sixty seven thousand one hundred and seventy three dollars in Spanish gold of which amount it corresponds to the undersigned one fourth that is Forty one thousand seven hundred and ninety three dollars and twenty five cents.

DAMAGES.

one fourth of the rent stipulated with the tenant SAAVEDRA in three years and three months that have to run from now to the end of the contract, amounts to nine thousand eight hundred and eighty nine dollars and seventy eight cents.

Expenses, damages and grievances which may occur to the claimant as a consequence of the law suit that the tenant SAAVEDRA is bound to establish against the undersigned for damages and the suffering and privation the said claimant may have to undergo before he may come again in possession of his property he calculates in twenty thousand dollars Spanish gold; which amount together with the nine thousand eight hundred and eighty eight dollars of the rent, and the forty one thousand seven hundred ninety three dollars and twenty five cents losses make a total amount of seventy one thousand six hundred and eighty three dollars and three cents in Spanish gold.

This appearer, therefore, protests against all the losses and damages as stated which he has suffered by reason of the affairs as hereinbefore set

forth, is suffering and may suffer hereafter on account of the present state of affairs in this Island for the lack of protection by the Spanish Government, and doth declare that the same should & ought to be born by said Government as the same occured as above mentioned and not by or through any fault of him, this said appearer; and further that he considers himself in consequence entitled to an indemnity from the Government of Spain to the amount above stated of Seventy one thousand six hundred and eighty three dollars and three cents in Spanish gold with such further relief as may be allowed, and he doth hereby claim the same.

(Signed) MIGUEL de la VEGA.

---o---

A true copy:

Consul General.

U.S.CONSULATE.)
)
H A B A N A.)

BE IT KNOWN that, of thi 2d.July,1896, before me, the undersigned, U.S.Consul General at Habana, personally appeared Mr.MIGUEL de la VEGA, a citizen of the United States, to me known to be the person named in the foregoing document of the nature of a protest against the Spanish Government and claim for indemnity, and subscribed the same, and declared that the facts therein set forth are true.

(SEAL) WITNESS my hand and official seal this 2d.July,1896.

(Signed) FITZHUGH LEE.
Consul General.

---------o---------

A true copy:-

Fitzhugh Lee
Consul General.

-----o-----

Mr Taine

To Madrid Oct 15

ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE.

No: 57.

INDEX BUREAU
REC'D.
JUL 25 1896
DEPT OF STATE

U. S. Consulate General.

Habana, July 18 1896.

Gus
7/28/96

Mr. Lee

to the

Department of State

Transmitting copy of a protest and claim against the Spanish Government for preventing the shipment of 307 bales of Tobacco, presented by Mr. Louis Wertheimer.

One enclosure.

No. 57

U. S. Consulate General

Habana July 18th 1896.

Hon: William W. Rockhill,

Assistant Secretary of State.

Washington.

D. C.

Sir,

I have the honor to transmit herewith, copy of a statement, a protest and claim for indemnity, made before me by Mr. Louis Wertheimer, a citizen of the United States, against the Spanish Government of this Island, for the

prohibition by the Govern-
ment to allow him to export
307 bales of tobacco, it
being alleged that he
has not complied with
the requirements of the
Governor General of the 16th
May last, which prohibited
after the expiration of ten
days from its date, the
export of tobacco grown
in the provinces of Habana
and Pinar del Rio.

I beg to call the
particular attention of
the Department to this
protest, it being the
first presented on the
subject, as it cites the

seventh article of the treaty between the United States and Spain, and Mr Wertheimer claims that his property has received embargo and detention in direct violation of said treaty.

I am, Sir,

very respectfully

your obedient servant.

Fitzhugh Lee

Consul General.

One enclosure:

Copy of Mr Wertheimer's protest and claim.

Enclosure No.1.

With Despatch No.56.

H A B A N A , July 18th,1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, July 17th,1896.

BE IT KNOWN, that on this 17th day of July,1896,before me,the undersigned,Consul General of the United States at HABANA, CUBA,personally appeared Mr.LOUIS WERTHEIMER,a citizen of the United States,and duly sworn,declared and stated as follows :-

That he is a native of Mannheim,Germany,born of American parents,32 years of age,married,a merchant and resident of the city of New York ; that since the year 1884, he has been makin annual trips to this Island of Cuba, and been engaged in the purchase and shipment of leaf tobacco to the United States ; that since the 8th of February last he has been in this Island,and from that date up to the 16th of May last,-- the date of the publication of Captain General WEYLER'S decree forbidding the export of tobacco from this Province and that of Pinar del Rio,--- the said appearer has been engaged in the purchase,receiving and storing of leaf tobacco of the 1896 crop,in the Province of Habana ; that during the month of February,and up to the 28th day of March,this appearer drove and rode over the province purchasing tobacco in bundle in its raw uncured state; and that on the 28th day of March he received and accepted the first deliveries of leaf tobacco from the farmers,who had raised it ; that he shipped said tobacco by railroad from Guira de Melena to San Antonio de los Baños and stored same in San Antonio de los Baños in the two houses numbers 61 and 63 Esperanza Street,which he had rented for that purpose,and on which he [redacted] paid to the Government taxes as a packer of

tobacco; that upon the publication of the decree referred to, prohibiting the exportation of tobacco,which appeared for the first time in the official "GAZETTE",dated May 19th,1896, although the said decree bears date of the 16th May,according to a copy which this appearer files herewith,---- he protested before the U.S.Consul General,Mr.RAMON O.WILLIAMS, in the following terms :-

" HABANA,May 19th,1896.

"Ramon O.Williams, Esquire.

" U.S.Consul General.

" HABANA.

"Sir:- In the official "GAZETTE" of this day, "appears the edict or decree of the Governor "and Captain General of this Island,prohibiting "the exportation of the tobaccos grown in the "provinces of Habana and Pinar del Rio,after ex- "piration of ten days. Said decree being dated "the 19th instant.

" I am a merchant doing business here and in "New York,and have capital invested here in my "business in the 1896 crop of leaf tobacco; said "tobacco today is in its raw state,in bundles as "received from the farms,and before being in "condition to ship or export must undergo the "following processes :fermentation in bulk ; "wetting ;stripping ;assorting; re-assorting "and baling,each of which processas requires "from one to forty days. It is obvious,there- "fore,that a forced exportation within ten days, "or inability to export after that,is a grave "and serious injury to my interests and capital "invested,and I protest within my rights as a "citizen of the United States against such in- "jury. Very respectfully,etc,LOUIS WERTHEIMER. "

That on or about the 19th of May last,this deponent commenced to assort and pack the leaf tobacco at his said store houses in San Antonio de los Baños,and finished on or about the 30th June,last.

That on the 23rd June,1896,he made before the Notary Punlic of San Antonio de oos Baños,Don Antonio de Porto y Castro,anaffidavit also sworn to by his employee Don. Jose B.Herrera,respecting the purchases made by him of the said tobacco in bundle,setting forth the dates thereof, and the nams of the parties from whom purchased,and the quantity of tobacco so purchased ; and on the same day also made a similar affidavit in similar form,setting forth other purchases of leaf tobacco,under exactly similar conditions.

That on the 30th June,he presented to the Governor and Captain General,two petitions setting forth that the tobacco mentioned in the first mentioned affidavit had been assorted and packed and had yielded (237) two hundred and thirty seven bales; and the tobacco mentioned in the second affidavit had yielded (70) seventy bales,and requested permission be granted him for the export of said (307) three hundred and seven bales of tobacco; that said petitions were answered under date of July 15th,by an official notification in writing,delivered on the 16th day of July, 1896,at 3.45 P.M. to this deponent in person,in which he is informed that by a resolution of the Governor General dated 11th July,his said petitions are denied,and that therefore permission to export the 307 bales tobacco is not authorized.

This appearer Hereupon files a copy translation of said answer as part of this protest.

WHEREFORE the said appearer doth solemnly and publicly protest against the action of the Spanish Government

in the premises,whereby his property has received embargo and detention,in direct violation of the 7th Article of the Treaty between the United States and Spain,of 1795; and further,that he bases his protest upon the fact that he invested his capital in this Island previous to the decree ; that he employed the same in the purchase of tobacco; that he was charged by the Spanish Government taxes upon his business ,and for the privilege of carrying on the same both in Habana and San Antonio de los Baños; that further he had been recognized by the Government as a tobacco buyer,having been granted a 'salvo-conducto' on April 8th,1896,for the purpose of himself and Jose B.Herrera travelling over the province of Habana as buyers of tobacco; which was obtained for him through the U.S.Consulate General and is of record; and he considers himself in consequence as entitled to an indemnity from the Spanish Government for the losses and damages to his property and interests sustained by him,as aforesaid,and estimates the amount of same at the value of the 307 bales of tobacco before mentioned; to wit:($61,400.-)sixty one thousand four hundred dollars,and interest thereon till time of payment, and such other relief as may be accorded him.

(Signed) LOUIS WERTHEIMER.

-----o-----

U.S.CONSULATE GENERAL.
HABANA.

On this 17th day of July,1896,before me,the undersigned,U.S.Consul General at HABANA,personally appeared Mr.LOUIS WERTHEIMER,a citizen of the United States,to me personally known,and known to me to be the person named in the foregoing instrument which is of the nature of a protest against the Spanish Government,and a claim for indemnity,to which he hath subscribed his name,and duly

sworn, deposed unto the facts therein set forth, which he declares to be true.-

WITNESS my hand and the seal of this Consulate General this 17th July, 1896. (Signed) FITZHUGH LEE, Consul General.

(Seal.)

---o---

A true copy.

Fitzhugh Lee

Consul General.

CRANE'S

1894

EXHIBIT 2: TRANSLATION of refusal to permit shipment.

In view of the request(written) presented by you to His Excellency the Governor General,soliciting t that you be authorized to export 307 bales leaf tobacco, which are the result of various quantities of bundles of to tobacco,acquired in the district of Guira de Melena,according to the affidavits presented and which were executed the 23rd of June last,before the Notary of San Antonio de los Baños,Mr.Antonio de Porto y Castro;

WHEREAS,the justifiable reasons which existed for not exporting the tobacco,which it is stated was acquired in the months which are mentioned,-- are not explained and it is sought to do so now notwithstanding the prohibition which exists,--- it being noteworthy that the documents presented to prove the purchase,are two affidavits executed one month after the expiration of the term allowed by the edict of the 16th of May last, for shipments.

WHEREAS,according to Article 2 of the decree of His Excellency the Governor General and General in chief of the army of operations in this island,it is stated positively----

" a term of ten days is conceded for the exportation of "tobacco of the origin mentioned,by reason of contracts "executed previous to the present decree. When said term shall have expired,the custom houses of the Island will "not act upon declarations of exportation nor permit their "shipment."

WHEREAS,the contracts made do not change their nature, notwithstanding that one of the contracting parties pretends to prove their authenticity before a Notary Public posterior to their execution.

WHEREAS,the purchase-sale of the bundles of tobacco,to which the notarial documents made at the instance of Mr. LOUIS WERTHEIMER,refer, do not give nor add to the acts more value or efficacy than that which they originally

had and which are contracts of a private nature and apparently verbal.

WHEREAS, assuming this, it is necessary to recognize that to be considered valid and efficient in law and to prove the facts to which they relate, it were absolutely necessary that the contracts mentioned should be legally acknowledged, according to article 1225 of the Civil Code, and this acknowledgment should be made before a court of justice, to which silely belongs the declarations (or affidavits) of civil rights, such as are referred to in this case. And by reason of such affidavits not existing, the surety and efficacy of the contracts of purchase-sale which are mentioned in the affidavits presented, cannot be legally acknowledged.

WHEREAS, the contracts under discussion were entered into previous to the decree of the General Government, in which a term was set for the exportation of tobacco, filling contracts executed previous to the decree, the fact is to be imputed to the buyer, that he did not export during the term allowed.

WHEREAS, that to concede what is asked for would be to annul that which is laid down in the decree referred to, His Excelleny the Governor General by resolution of the 11th of this month, and agreeably to that proposed by this General Administration of the Treasury, has deemed best to deny that which is asked for, and therefore the exportation of the 307 bales cannot be authorized. Of which I notify you for your knowledge and also as answer to the request (written) presented.

May God keep you many years.

HABANA, July 18th, 1896.

(Signed) EMILIO PAGOAGA.

To
Mr. LOUIS W ERTHEIMER.

----o------

Año LVIII.—Núm. 118 Martes 19 de Mayo de 1896 Tomo 1º—Pág. 937

GACETA DE LA HABANA

PERIODICO OFICIAL DEL GOBIERNO

PUNTOS DE SUSCRIPCION

HABANA, en la Administración de la imprenta, calle de Teniente Rey, número 23.
PROVINCIAS, en casa de los respectivos agentes.

LOS ANUNCIOS Y SUSCRIPCIONES se reciben en la Administración, de ocho de la mañana á cuatro de la tarde, todos los días, menos los festivos.

PRECIO DE LOS ANUNCIOS

Por cada línea al día . . . . . 20 cts. oro.

PRECIOS DE SUSCRIPCION

HABANA, por un trimestre . . . . . $ 4-50 oro.
PROVINCIAS, por un trimestre. . . . $ 4-50 oro.
PUERTO RICO, por un trimestre . . . $ 6-00 oro.
PENÍNSULA, por idem . . . . . $ 6-00 oro.

El pago de la suscripción será adelantado.

PRECIO DEL EJEMPLAR

Del mes corriente . . . . . 15 cts. oro. — De meses atrasados dentro del año . 30 cts. oro.
Por cada un año atrasado . . . . . 50 cts. oro.

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

BANDO

DON VALERIANO WEYLER Y NICOLAU, Marqués de Tenerife, Gobernador General, Capitán General de la isla de Cuba y General en Jefe de este Ejército, etc., etc.

La difícil situación de la industria fabril tabacalera en esta capital, por consecuencia de los constantes incendios de la materia prima, y la destrucción de los elementos de producción que á diario ejecutan los insurrectos, enemigos de la propiedad, de la familia y del sosiego público, pudiera llegar á su período más crítico, si con urgencia no se adoptara una medida transitoria, indispensable en las actuales circunstancias, para contrarrestar los efectos de aquellos procedimientos de desolación y ruina.

Los fabricantes y obreros, los comerciantes y cuantos viven y dependen en esta Isla de tan importante ramo, no han podido menos de alarmarse ante los inmensos daños y graves peligros que pudiera ocasionar la falta de tabaco en rama, necesario para el trabajo normal de las fábricas de la Habana. Era, pues, deber de la Administración pública, acudir á una medida previsora de tan sensible resultado; y aunque no se me ocultan las preocupaciones, los recelos y miras interesadas, los errores, en fin, que será preciso combatir para llevar al ánimo de todos el convencimiento de que al interés supremo de la Patria, han de supeditarse toda clase de intereses y conveniencias, seguro, después de detenido y maduro estudio, de la oportunidad y necesidad de la medida, forzoso es acometerla con enérgico y decidido empeño de modo tal que al propio tiempo que se fomentan intereses leales á la causa de España, reciban rudo golpe los que persisten todavía en la insensata empresa de su aniquilamiento.

En su virtud, haciendo uso de las atribuciones que me competen,

ORDENO Y MANDO

Artículo 1º Queda prohibida temporalmente y mientras subsistan las circunstancias anormales por que atraviesa esta Isla, la exportación del tabaco en hoja producido en las provincias de Pinar del Río y Habana, excepto el que demanden las necesidades de la Península.

Art. 2º Se concede un plazo de diez días, desde esta fecha, para la exportación del tabaco de las procedencias expresadas, por virtud de contratos otorgados con anterioridad al presente Bando. Transcurrido dicho plazo, las Aduanas de la Isla no darán curso á las pólizas de exportación, ni permitirán su embarque.

Art. 3º Las Compañías de ferrocarriles y todas las Empresas de transportes marítimos y terrestres no admitirán para su conducción á otras provincias, tabaco de las procedencias indicadas, cuya exportación á la Península queda únicamente autorizada por el puerto de la Habana.

Art. 4º Para no privar al Tesoro de los recursos que hubiera de proporcionarle la exportación del tabaco en hoja de Vuelta Abajo y partidos, los fabricantes de la Habana concertarán con la Hacienda el pago de las cantidades en que se estime aquel rendimiento, tomando por base el promedio de los valores obtenidos durante el último trienio, cuyo compromiso subsistirá mientras no se modifique el vigente Arancel de exportación.

Art. 5º Los contraventores de este Bando, serán considerados como auxiliares de la rebelión, sin perjuicio del comiso del género que se venderá por la Administración, entregando su importe, como premio, al aprehensor ó aprehensores. Las Empresas de transportes y los individuos que coadyuven á la exportación clandestina del tabaco, incurrirán además en una multa de cien á quinientos pesos, exigible en papel de pagos al Estado, que se distribuirá en la forma siguiente: el 50 por 100 para la Hacienda y el resto á repartir entre los que hayan intervenido en la denuncia y aprehensión.

Art. 6º La Intendencia general de Hacienda dictará las reglas necesarias para la ejecución de las precedentes disposiciones.

Habana, 16 de Mayo de 1896.

Valeriano Weyler.

Intendencia general de Hacienda.

En cumplimiento de lo que se dispone en el artículo 6.º del Bando dictado en 16 del actual por el Excmo. Sr. Gobernador, Capitán General y General en Jefe del Ejército de operaciones en esta Isla, prohibiendo la exportación del tabaco en hoja de las provincias de Pinar del Río y Habana, y con el fin de obtener la mayor exactitud en la ejecución de los preceptos contenidos en aquella superior disposición, esta Intendencia general de Hacienda tiene á bien dictar las reglas siguientes:

Primera. El personal de las Aduanas y Resguardo de todo el territorio insular no permitirá en modo alguno desde el día 27 de Mayo del presente año, siguiente al en que termina el plazo concedido por el artículo 2.º del Bando de referencia, el embarque de cualquier clase de tabaco en hoja de las provincias de Pinar del Río y Habana.

Segunda. Durante el plazo de diez días concedido para la exportación del tabaco en rama adquirido por contratos realizados con anterioridad al Bando, la Administración de la Aduana de esta capital habilitará todos los días, aunque éstos sean feriados, las horas ordinarias y extraordinarias para que los despachos se lleven á cabo con regularidad y precisión, dando conocimiento á esta Intendencia del número de bultos exportados en cada fecha, especificando la clase, peso, marca y contenido.

El Subintendente, como Inspector general de la Renta de Aduanas, adoptará las medidas necesarias para que las operaciones se practiquen con la debida exactitud.

Tercera. Para la exportación del tabaco durante los diez días concedidos al efecto, se observarán las formalidades siguientes:

(a) Las facturas ó polizas que presenten los cargadores expresarán:

1.º Nombre del buque y de su Capitán, tonelaje y bandera.
2.º Puerto ó puertos de su destino.
3.º Nombre del remitente ó remitentes.
4.º Número de bultos, su clase, marcas, numeración y peso bruto y neto de todos y cada uno de ellos.
5.º Clase de mercancía según nomenclatura del Arancel de exportación.

(b) De las facturas ó pólizas se tomará razón por el Negociado correspondiente, en un Registro especial extraordinario, que se abrirá con ese objeto, sin perjuicio del ordinario que determinan las Ordenanzas.

(c) El Administrador decretará en la factura principal el reconocimiento de las mercancías y designará en cada una de ellas el Vista que haya de practicarlo.

(d) El Vista verificará el reconocimiento y anotará el resultado en los dos ejemplares de las facturas á que aluden las Ordenanzas del ramo, señalando la partida del Arancel y liquidando los derechos que hayan de cobrarse.

(e) Cuando el tabaco se presente en tercios de 45 á 50 kilogramos, se hará y comprobará el peso declarado por escandallo. Si se presentara la mercancía en cajas, serones, fardos ó cualquier otro envase de peso y volumen variable y distintos á los usuales, el Vista, bajo su más estricta responsabilidad, practicará el reconocimiento y hará el despacho pesando todos y cada uno de los bultos.

(f) El interesado con la factura principal procederá á hacer el pago, del que tomará razón la Intervención de la Aduana, en la forma establecida, prohibiendo en absoluto que en ningún caso se admitan los derechos y se efectúe el embarque sin que preceda el reconocimiento que ha de practicar el Vista.

(g) El Administrador pondrá la orden de embarque en la factura duplicada. Esta operación se efectuará bajo la vigilancia del Resguardo, cuidando la Administración de dar cuenta á esta Intendencia del personal que destine á este servicio especial y extraordinario.

Cuarta. Establecida en el artículo 1.º de dicho Bando la excepción para la exportación del tabaco de las indicadas provincias que demanden las necesidades del consumo en la Península, será requisito indispensable en este caso, á partir de la fecha citada en la regla segunda, que los remitentes se provean en la Administración de la Aduana de este puerto, único habilitado al efecto, de una guía expedida por dicha oficina, cuya torna-guía se remitirá directamente por esta Intendencia al Ministerio de Ultramar con el fin de que requisitada por la delegación del Gobierno en la Compañía Arrendataria de tabacos, sea devuelta á la oficina de procedencia para la justificación correspondiente.

Quinta. Para evitar que dicho tabaco pueda exportarse por los puertos de las provincias de Matanzas, Santa Clara, Puerto Príncipe y Santiago de Cuba, las Aduanas y el personal del Resguardo impedirán que los barcos de Cabotaje reciban ni conduzcan ninguna clase de tabaco en hoja desde los puertos de las provincias de Pinar del Río y Habana para cualquier otro de los correspondientes á las provincias primeramente mencionadas.

El Administrador de la Aduana de la Habana, de cuya jurisdicción y autoridad depende el Surgidero de Batabanó, en todo cuanto se refiere á operaciones aduaneras, dará las órdenes para que por ese puerto no se permita el embarque para los de las provincias antes citadas, de cualquier clase de tabaco en rama.

Sexta. Las autoridades administrativas de todo orden, y especialmente los empleados del ramo de Aduanas, vigilarán por todos los medios posibles los trasportes de mercancías por mar y tierra, valiéndose para ello del resguardo terrestre y marítimo y de otra clase de agentes si se consideraran necesarios, y tan pronto como tuviesen noticias ó indicios de que utilizándose indistintamente embarcaciones, carros de trasportes ó los ferrocarriles se tratase de conducir el tabaco en rama cosechado en las provincias de Pinar del Río y Habana á cualquiera otra de la Isla, procederán con toda diligencia á instruir los procedimientos del caso, verificando la aprehensión del género por los trámites y forma que señala el artículo 173 de las Ordenanzas de Aduanas. Del acta de aprehen-

sión y demás diligencias que se instruyan, se dará inmediatamente cuenta á esta Intendencia general de Hacienda para la resolución que proceda, en harmonía con las disposiciones penales que se establecen en el Bando.

Si la aprehensión se verifica por consecuencia de denuncia de persona extraña á la Administración se tendrá en cuenta el artículo 193 de las expresadas Ordenanzas, partiendo de la base de la penalidad que se establece en el Bando referido, por la remuneración que corresponde al denunciador.

Séptima. El tabaco producido desde la provincia de Matanzas hasta el extremo de Oriente de la Isla, se exportará como hasta ahora por las Aduanas de aquellas zonas ó por la de la Habana, si así se quisiese, pero para este caso será requisito indispensable que el tabaco venga desde aquellas provincias despachado como de Cabotaje, y que en la póliza respectiva se ha de hacer la declaración expresa de que el tabaco se destina á la exportación.

La Administración de destino ó sea la de la Habana, cuidará de que el tabaco quede en depósito, intervenido por la Administración, hasta el momento de embarcarlo en el buque exportador, haciéndose previamente las comprobaciones necesarias para que en ningún caso sea mayor el número y peso de los bultos destinados á la exportación, con el de los llegados por Cabotaje con tal objeto, y sí una perfecta conformidad.

Octava. El carácter de medida de guerra que reviste la superior disposición del Excmo. Sr. Gobernador Capitán General, General en Jefe del Ejército de operaciones en la Isla, excusa á esta Intendencia de hacer advertencias á todos los funcionarios dependientes del ramo de Hacienda, de las responsabilidades que por falta de celo en tan importante servicio pudieran deducirse.

Habana, 18 de Mayo de 1896.—*Emilio Fagoaga.*

GOBIERNO GENERAL DE LA ISLA DE CUBA

SECRETARIA GENERAL

SECCIÓN CENTRAL DE GOBIERNO Y ARCHIVO GENERAL

DECRETO

Las anormales circunstancias por que desgraciadamente atraviesa esta Isla y la notable disminución que por consecuencia de los criminales actos realizados por las hordas insurrectas, ha de sufrir indudablemente la riqueza contributiva, exigen imperiosamente que los Ayuntamientos y Diputaciones estudien con todo detenimiento la forma de hacer cuantas economías sean compatibles para el lleno de sus obligaciones y el cumplimiento de los servicios á su cargo, no desatendiendo en manera alguna, todos los que las leyes les imponen, pero restringiendo á los puramente indispensables sus gastos, al objeto de combatir la crisis que por razón del estado de guerra del país comienza á dar señales de vida.

Esas mismas circunstancias exigen que varias de las atenciones que pesan sobre las primeras de dichas Corporaciones, que tienen por su índole el carácter de sagradas, como son las de Instrucción pública, Beneficencia y Carcelarias estén perfectamente atendidas, y para ello es indispensable que no continúe el pernicioso sistema que hoy se observa de dejarlas indotadas ó poco menos, en los respectivos presupuestos, sosteniendo, en cambio, crecidas consignaciones en los capítulos de personal y material de todas clases.

Al objeto, pues, de que dichas atenciones se regularicen debidamente y que tengan puntual observancia los preceptos de la ley en materia tan importante y de actualidad; usando de las facultades que me concede el inciso 2º del artículo 3º del Real decreto de 9 de Junio de 1878, vengo en disponer lo siguiente:

1º Que los Ayuntamientos y Diputaciones provinciales estudien y realicen con toda urgencia en la Sección de gastos de los respectivos presupuestos para el próximo ejercicio, cuantas economías consideren prudentes, ya en las plantillas del personal de todas sus dependencias, ya en los capítulos de material, ya en los demás servicios á su cargo que permita realizar ese propósito.

2º Que cuiden con especialidad de dotar suficientemente las consignaciones referentes á los importantes servicios de Instrucción, Beneficencia y Carcelario, teniendo en cuenta la actual penosa situación de los Hospitales, Cárceles y Casa de Enajenados.

3º Que tanto los Ayuntamientos como las Diputaciones den estricto cumplimiento á los preceptos de las leyes por que respectivamente se rigen en cuanto á la forma de remitir sus presupuestos á la corrección de los Gobiernos, debiendo éstos devolver á las Corporaciones respectivas los que á la fecha le hubiesen ya sido elevados, para que procedan á cumplir lo dispuesto; recomendando á las que no lo hubiesen efectuado, lo verifiquen sin pérdida de tiempo, y recordándoles, que si á pesar de sus esfuerzos no les fuere posible atender á las obligaciones que le son propias, por lo exiguo de sus recursos ó por la dificultad de realizar los ingresos, la ley les concede el derecho de agregarse á alguno de los Municipios colindantes, y que procedan los que en ese caso se hallen á cumplir lo dispuesto en el artículo 7º de la ley Municipal; y

4º Que los Ayuntamientos y Diputaciones realicen esos trabajos en el improrrogable plazo de quince días los de las provincias de Pinar del Río, Habana, Matanzas y Sta. Clara, y en el de un mes los de Santiago de Cuba y Puerto Príncipe; y que sin perjuicio de que los envíen, según dispone la ley á la revisión de los Gobiernos de región ó provincia, remitan directamente á esta Superioridad las actuales plantillas del personal y material de todas clases así como las acordadas para el nuevo presupuesto, á fin de que este Gobierno pueda ejercer la alta inspección que por la ley le está confiada; en el concepto de que pasados los expresados plazos haré uso de las facultades extraordinarias de que estoy investido, procediendo á llevar á efecto aquellas operaciones é imponiendo á las Corporaciones morosas la penalidad á que se hayan hecho acreedoras.

Habana, 16 de Mayo de 1896.

El Gobernador general,

Valeriano Weyler.

Gracia y Justicia.

El Excmo. Sr. Gobernador general, vista la instancia promovida por el Círculo de Hacendados y Agricultores de la Isla, en solicitud de suspensión temporal de procedimientos judiciales contra hacendados, aplicando por analogía determinados preceptos de los Códigos Civil y Mercantil vigentes, y oído el ilustrado dictamen del Excmo. Consejo general de Administración; S. E., por acuerdo fecha 13 de los corrientes, ha dispuesto se interese del Gobierno Supremo la aprobación del acuerdo que comprenden las siguientes cláusulas:

1.ª Los créditos hipotecarios vencidos ó que venzan desde esta fecha, se entenderán prorrogados hasta el día 30 de Abril del año próximo de 1897.

2.ª Quedarán también en suspenso, durante igual término, los juicios seguidos para el cobro de esos créditos.

3.ª Igual disposición se aplicará á los cobros de réditos de censos vencidos ó que venzan desde esta fecha y los juicios con tal motivo promovidos.

4.ª Siempre que haya bienes inmuebles embargados, ó se haya tomado anotación preventiva de la demanda en el Registro de la propiedad, quedará en suspenso durante el plazo referido toda vía de apremio que se haya principiado ó se principie para cumplir las sentencias ejecutorias recaídas en los juicios de cualquier clase.

5.ª Los procedimientos para el cobro de contribuciones, derechos reales ó créditos de cualquier clase que pertenezcan al Estado, provincia ó municipio, continuarán hasta hacerlos efectivos sobre rentas, bienes muebles ó semovientes del deudor; pero respecto á los bienes inmuebles del mismo, solo podrán continuar hasta el trámite de embargo y su toma de razón en el Registro de la propiedad, mientras no venza el plazo referido de 30 de Abril de 1897, transcurrido el cual cesarán todos los efectos de la suspensión, continuando los procedimientos por los trámites legales.

Y dispuesto también que interin no recaiga la resolución Superior á que se alude, rijan y se ejerciten los preceptos contenidos en el articulado transcrito, de orden de S. E. se publica en la GACETA DE LA HABANA para general conocimiento.

Habana, 15 de Mayo de 1896.

El Secretario general,

El Marqués de Palmerola.

Ayuntamientos.

El Consejo general de Administración en sesión de 23 del pasado Abril, aprobó, por unanimidad, la siguiente consulta:

«Excmo. Sr.:—Con atento oficio de 13 de Febrero último, se ha servido V. E. remitir á este Consejo, para informe, el recurso de queja de don Patricio Oyarzábal, que declaró improcedente la reclamación de varios Concejales, contra repartimiento de Colón.—De los antecedentes acompañados resulta:—Que con motivo de varios artículos publicados por un periódico de la localidad, sobre incorrecciones é irregularidades cometidas en el cobro del repartimiento vecinal de 1893 á 94, del término de Colón, se formó expediente por el Gobierno de la región central y de la provincia de Matanzas, á consecuencia del cual dicto éste resolución, de que se alzaron varios Regidores para ante V. E., el cual recurso se negó á tramitar el Gobierno de la provincia, y habiendo también apelado de su negativa, lo recurrente fué confirmado por V. E.—Que después de aprobado el aludido repartimiento, don Juan Manuel Gutiérrez y otros vecinos contribuyentes del término de Colón, acudieron con instancia ante el Gobierno de la región central y de la provincia de Matanzas, reclamando la nulidad de dicho repartimiento por infracción de ley, la que, previa la tramitación correspondiente, elevó aquel Centro á V. E. para lo que estimara procedente, por entender que, aun en la hipótesis de que existieran las infracciones denunciadas, no tenía él facultades para revocar el acuerdo del Ayuntamiento en que se aprobó el repartimiento.—Que V. E. se sirvió disponer se devolviera el expediente con todos sus antecedentes al Gobierno de Matanzas para que por su autoridad se dictase la resolución que correspondiera, teniendo en cuenta para este caso y los demás que pudieran ocurrir; que el Gobierno general era incompetente para conocer de cualquier clase de recursos que se establecieran en materia de repartimientos, según lo tenía declarado en resolución de 12 de Marzo de 1895, publicada en la GACETA DE LA HABANA del 16.—Que habiendo dictado resolución el Gobierno de la provincia, estableció ante V. E. recurso don Patricio Oyarzábal, fundado en que estando aprobado el repartimiento en los términos previstos por la ley, no cabe volver sobre él, como lo hace la resolución gubernativa que es objeto del recurso, la cual dispone no solo la anulación de los recibos de todo exceso sobre la cantidad por la cual fué aprobado el repartimiento, operación que ya fué hecha por el mismo Ayuntamiento, sino que se haga nueva liquidación para alterar los recibos extendidos, según la riqueza que figura en las planillas, y que se imponga la multa correspondiente á los que intervinieron en las operaciones del repartimiento.—Que previo informe del Gobernador de la provincia, se pasó al Negociado de Ayuntamientos de la Secretaría de V. E., y éste en nota, con la que se conformó la Sección central, es de opinión que dadas las premisas sentadas en la resolución de V. E., dictada en este mismo asunto, y en la cual V. E. de conformidad con lo consultado por este Consejo, se declaró incompetente para conocer de cualquier recurso en materia de repartimiento, no cabe que V. E. dicte resolución en el particular y que en ese concepto es de desestimarse el recurso de don Patricio Oyarzábal, quien puede ejercitar la vía correspondiente ó sea la contenciosa administrativa.—Que de conformidad con lo consultado por la Secretaría se ha servido V. E. consultar al Consejo con remisión de los antecedentes del asunto.—El Consejo, Excmo. Sr., es del mismo parecer que el Negociado, por lo que entiende que es de resolverse como propone en su nota.»

Y habiéndose conformado el Excmo. Sr. Gobernador general con el preinserto dictamen, en acuerdo de 9 del que cursa, se ha servido resolver como en el mismo se propone.

Lo que de orden de S. E. se publica en la GACETA DE LA HABANA para general conocimiento.

Habana, 12 de Mayo de 1896.

El Secretario general,

El Marqués de Palmerola.

El Consejo general de Administración, en sesión de ayer, aprobó, por unanimidad, la siguiente consulta:

«Excmo. Sr.:—Con atento oficio de 17 de Marzo próximo pasado, se ha servido V. E. remitir de nuevo al Consejo el expediente iniciado por virtud de alzada interpuesta por don Sergio del Llano, contra el acuerdo del Gobierno de la región Occidental y de esta provincia confirmatorio de otro del Ayuntamiento de La Salud, que destituyó á dicho señor Llano del cargo de Secretario del expresado Ayuntamiento, para que consulte acerca de los fundamentos de nulidad del primer acuerdo del Ayuntamiento, ya por haber sido adoptado en día festivo, ya por no haber concurrido á su adopción el número de Concejales que la ley exige y respecto al último de Septiembre, de fecha 12 de Septiembre.—El Consejo, Excmo. Sr., ajustándose á lo ordenado por V. E., prescinde del relato de antecedentes, que constan ya de su anterior informe, y respecto de los fundamentos de nulidad del primer acuerdo tomado en 29 de Junio de 1895, entiende que son positivos y bastantes para invalidar la destitución del Secretario Sr. Llano.—No cabe dudar que el día indicado es de fiesta entera y parece también evidente que las sesiones de los Ayuntamientos, Diputaciones, Tribunales, etc., han de celebrarse en días hábiles.—En cuanto al segundo fundamento conviene advertir que el Ayuntamiento de La Salud se compone de once Concejales, y que concurrieron á la sesión de 29 de Junio y acordaron la destitución del Secretario siete Concejales; y como el artículo 120 de la ley Municipal exige que la acuerden las dos terceras partes de la totalidad de aquéllos y se habrían necesitado ocho Concejales y no siete, para cumplir el precepto legal, estima el Consejo que el citado fundamento es cierto y concluyente.—Lo mismo cabe decir del acuerdo de 12 de Septiembre, tomado por siete Concejales, que constituye, como se ha visto, una abierta infracción de la ley Municipal.—Tal es el sentir del Consejo.»

Y habiéndose conformado S. E. con el preinserto

DIPLOMATIC
AUG 8 1896
BUREAU

ASSISTANT SECRETARY
AUG 1896
DEPARTMENT OF STATE

No. 58

Ackworth Zell File
R. & C.

U. S. Consulate General.
Habana, July 18 1896

INDEX BUREAU
REC'D.
JUL 23 1896
DEPT. OF STATE

Mr Lee,

to the

Department of State

File
The
C. A's
have
been made
Consuls

Transmitting copies of communications from the Governor General, denying to Commercial agents at Sagua and Cardenas the right to address claims to the military authorities.

---

3 Inclosures.

No. 58.

U. S. Consulate General.
Habana, July 18 1896

Hon: William W. Rockhill
Assistant Secretary of State
Washington.
D. C.

Sir:

I have the honor to transmit herewith copy-translations of two communications received from the Governor General of the Island, from which it appears that the military authorities of Cardenas and Sagua respectively, object to the representations 1/2

made before them in behalf of American citizens by our consular officers at those places, not recognizing in them sufficient authority for such purpose and the exercise by them of acts of a consular diplomatic character.

On the 9th instant I addressed the Governor General on the subject and took occasion to embody in my communication the instructions received from the Department, in number 9, dated the 11th June.

I presented this official

note on the 10th instant in person, and in conversation over the matter, as the Govr General expressed a wish for a more explicit statement of the Department's views, I transmitted to him on the 14th instant, a more literal and exact transcription of the Department's instructions.

In reply, under date of the 15th instant, the Govr General repeats that he can recognize no competency in the commercial agents at the ports of Sagua and Cardenas, to make claims of the nature in question, and repeats his request, 3/

that all direct claims of a consular diplomatic character be made through the Consul General, but that commercial agents are not thereby prevented from communicating with the proper military authorities, in the case of the arrest of any American citizen, but without establishing a claim of any kind.

I forward today to our consular officers at Sagua and Cardenas, a copy of the communication received from the Governor General referring to each of them, respectively.

I am,

Sir, very respectfully
your obedient servant
Fitzhugh Lee
Consul General.

3. Enclosures.
1- The Gov General to Mr. Lee. July 7-
2 do do " "
3 do d " 13.

Enclosure No. 1.
With Despatch No.58.
H A B A N A , July 18th,1896.

Copy-translation.

GENERAL GOVERNMENT of the ISLAND
of CUBA, Office of the Secretary General.

His Excellency the Captain General of this Island with reference to a communication from the Military Commandant of Cardenas,informs this General Government,of the frequent claims addressed to him by the Commercial Agent of the United States of America at said place,by reason of the information which he states he has,with respect to the examination of a citizen of his nation in a military proceeding,notwithstanding that he had been notifiedby said authority that it did not recognize his competence or attributions in the capacity of commercial agent to exercise any action of a diplomatic character as that interposed by said officer,who alleges in support,the sanction of the Government of Spain of the 21st October last,in the matter.

In consequence thereof, and with respect to what is asked of you under the same date by reason of the similar case occurred with another commercial agent of the Republic you so worthily represent in this Island,and the resolution cited in his support by said official not having the range which he endeavors to attribute to it, I am now under the necessity of repeating my request that you be pleased to order the aforesaid Agent at Cardenas,to abstain from continuing to make his unwarranted claims,as such action is not compatible with the functions of his office.

And in view of the fact that the cases are frequent in which such functionaries perform acts of a diplomatic character,for which this Government cannot recognize in

them any authority whatever, I beg that you will be pleased to issue the same instructions to the other Commercial Agents dependant of the Government you represent, for the purpose of prewenting the repetition of acts such as those which have occasioned this communication.

God guard you many years.

HABANA, July 7th, 1896.

(Signed) VALERIANO WEYLER.

To the Consul General of the unted States in this city.

-----o-----

CRANE'S
1894
ALL LINEN

Enclosure No.1
With Despatch No.58.
HABANA, July 18th,1896.

Copy.

GOBIERNO GENERAL de la ISLA de CUBA,

SECRETARIA GENERAL.

Con insercion de lo comunicadole por el Comandante Militar de Cárdenas, el Exemo. Ser Capitan Gral. de esta Ysla hace presente a este Gobierno General las reiteradas reclamaciones que le ha dirigido el Agente Comercial de los Estados Unidos del Norte America en dicha plaza con motivo de las noticias que dice tiene de haber sido examinado un ciudadano de su nacion en un proceso militar, a pesar de habersele expuesto por aquella autoridad que no le reconocia ni competencias ni atribuciones en su caracter de Agente comercial para ejercer accion diplomatica del caracter de la interpuesta por dicho funcionario que alega en su apoyo la sancion del Gobierno de España otorgada en 21 de Octbre. ano ppdo. en la materia.

En su consecuencia y consequente con lo que esta propia fecha interesa de V.S. con motivo de caso análogo ocurrido con otro Agente comercial de la Republica de que V.S. digno representante en esta Ysla, y no teniendo la resolucion que cita en su favor el alcance que pretende atribuirsele me veo en la necesidad de reproducir mi suplica de que se sirva ordenar al expresado Agente en Cárdenas se abstenga de continuar en sus improcedentes reclamaciones dado que no son compatibles con las funciones propias de su cargo

Y en atencion á que son repetidos los casos en que vienen esos funcionarios ejerciendo

acciones de caracter diplomatico para las que este Gobierno no puede reconocerles competencia alguna, se sirva á su vez circular las mismas prevenciones á los demás Agentes comerciales dependientes del Gobierno que V.S. representa, al objeto de cortar la repeticion de hechos como los que motiva la presente.

DIOS gue. a V.S. ms. as.

Habana 7 de Julio de 1896.

(Signed) Valo. Weyler.

Sor. Consul General de los Estados Unidos en esta capital.

GRANE'S
1894
ALL LINEN

Enclosure No. 2

With Despatch No. 58.

H A V A N A , July 18th 1896.

Translation.

General Government of the Island of Cuba.

Office of the Secretary General.

Havana, July 7, 1896.

To the Consul General of the United States of America.

Sir:

His Excellency the Captain General of this Island with reference to a communication of the Military Commandancy of Sagua la Grande, informs me that Mr. Walter B. Bastrer (Barker), a resident of said town, where he acts as Commercial Agent of the Republic which you so worthily represent in this capital, frequently addresses communications, sometimes in not very correct form, inquiring with respect to the standing of military proceedings under indictment, assuming the character of Consul of the United States at Sagua, as he calls himself.

From the antecedents existing at this Government it only appears that Mr. Wlater B. Bastrer (Barker) can act as Commercial Agent referred to, for which office he was confirmed by the Supreme Government of Spain by Royal order of the 16th of June, 1894, and as the said office does not give him power and attributions to act officially in ~~a~~ matters which according to international Laws are reserved to consular and diplomatic officers

as the others of the same rank existing in this Island, may cease to make direct claims of a consular, diplomatic character to the Chiefs of the Army in operation, as these attributions are reserved to you and the consular officers whom you may delegate, this does not prevent Commercial Agents from informing the proper Military Authority whenever an American citizen is arrested, but without establishing claim of any kind.

God guard you many years.

(Signed) Valo, Weyler.

---------oOo--------

1894
ALL LINEN
CRANE'S

Enclosure No.2.
With Despatch No.88.
HABANA, July 18th,1896?

Copy.

GOBIERNO GENERAL de la ISLA de CUBA,

SECRETARIA GENERAL.

El Excmo.Sor.Capitan General de esta Ysla con referencia a una comunicación de la Comandancia Militar de Sagua la Grande,me manifiesta que son muy frecuentes las veces que D. Walter B.Bastrer, (Barker) vecino de la expresada villa en la que ejerce el cargo de Agente Comercial de la Republica que V.S.dignamente representa en esta Capital,dirige comunicaciones,en formas no muy correctas, algunas ocasiones inquiriendo el estado de procesos militares en sumario,con el caracter de consul de los Estados Unidos del Norte America en dicha Villa segun se titula.

De los antecedentes que existen en este Gobierno solo consta que el Sor.Walter B.Bastrer (Barker) ejerce el cargo de Agente comercial ya referido para el que fue confirmado por el Gobierno Supremo de España por Real Orden de 16 de Junio del ano de 1894,y como el expresado cargo no le dá competencia y atribuciones para ejercer oficialmente gestiones que segun las Leyes internacionales,están reservadas a los funcionarios consulares y diplomaticos o a los propios Agentes comerciales cuando tengan delegacion de aquellos aceptada en la forma ya expresada; no constando como no consta en este Gobierno que el referido Bastrer,(Barker) la tenga de V.S.ni mucho menos que se haya aceptado por

nuestro Gobierno,me dirijo a V.S.al objeto de que como digno representante del Gobierno Norte Americano en esta Ysla se sirva prevenir lo oportuno al referido Sor.Agente comercial recomendandole cese en susgestiones de caracter consular diplomatico,para las que carece de atribuciones y competencia,limitandose a las funciones propias de su cargo.

DIOS gue.a V.S.ms.as.Habana

7 de Julio de 1896.

(Signed) Valo.Weyler.

Sor.Consulgeneral de los Estados Unidos

de America en esta Ysla.

1894
ALL LINEN
CRANE'S

Enclosure No. 3

With Despatch No. 58

H A B A N A, July 18, 1896.

Copy translation.

General Government of the Island of Cuba,

Habana, July 13, 1896.

I have received your communication of the 9th. instant, in answer to my notes of the 7th. of same, recalling the opinions expressed by your worthy predecessor with respect to my delegation to the Commanders in Chief of the respective Army corps in operation, whom the Consuls of the Republic which you so worthily represent should address in cases of claiming rights in favor of American citizens.

The said opinions which remain in force and which I hereby confirm, do not oppose themselves in the least to the measure I requested of you in my communications of the 7th. instant, because not referring to Consular officers but to mere Commercial Agents, no competency can be recognized in them to make claims of the nature in question.

In that understanding, which the opinions expressed in your communication do not dispel, this Government is of the opinion that the instructions of the Government you represent, and to which you allude in the communication, which I now answer, cannot refer to the said Commercial Agents, and consequently, I again beg you to please issue the proper orders to the end that the Commercial Agents at Sagua la Grande and Cardenas, as well

or to commercial agents, when commissioned thereof by the former and accepted in due form; and further as it does not appear to this Government that the said Bastrer (Barker) has been commissioned from you, and much less it having been accepted by our Government, I address you in order that as the worthy representative in this Island of the Government of the United States you will please advise accordingly the above mentioned commercial agent to cease to act in a consular diplomatic character, for which he lacks competency and attributions, limiting his functions to those corresponding his office.

God guard you many years.

(Signed) Valeriano Weyler.

ASSISTANT SECRETARY
JUL. 25 1896
DEPARTMENT OF STATE.

No. 59.

Consulate of the United States,

Havana, July 20, 1896.

Mr. Lee

To the Department of State.

Subject:

Transmitting one copy prices current Havana cigars.

Abstract of Contents.

No. 59.

Consulate of the United States,

Havana, July 20th, 1896.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit, herewith, a copy of the prices current of Havana cigars, corrected to date. Will you please ascertain if the Treasury Department will require any number of copies as has been customary, in order to forward same.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosing 1 Copy referred to.

F.

Mr Adee
7/25

No. 60.

ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
JUL 25 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, July 22, 1896.

Mr. Lee

to the

Department of State

Seen by Adee July 25.

Referring to a reported outrage on the American flag.

1 Enclosure.

No. 60

U. S. Consulate General.
Havana, July 22, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

In a communication dated July 15th (#53) reference was made to a reported outrage on the American flag at Matanzas.

not yet rec'd. 7/25/96

I now have the honor to enclose a copy of a letter from our Consul at

ah that port on the subject.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General

One enclosure.

No. 1 - Copy of letter referred to.

Enclosure No.1.

With Despatch No.60.

H A V A N A ,July 22,1896.

COPY. U.S.Consulate.

Matanzas,July 21st,1896.

Gen.Fitzhugh Lee,

U.S.Consul General,

Havana.

Sir:

I have the honor te report as requested in your communication of the 14th ultimo concerning tram pling on U.S.flag by custom house official.

My investigation reveals that the statement made you regarding this affair was correct. But the party claims it was done in sport and no insult to the flag intended. This may be so or may not. It is probably best to let thematter drop.

I am,etc. (Signed) A.C.Brice,

U.S.Consul.

NENE 314
26,81

ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE.

Confidential

No 61.

INDEX BUREAU
REC'D.
AUG 7 1896
DEPT. OF STATE

U. S. Consulate General

Habana. July 24 1896.

Mr. Lee

to the

Secretary of State

Mr Randolph
Asst Sec
R.O. Rec'd Aug 1.

Political condition of Cuba.

forwarding letter from Saguia

One enclosure.

Confidential.

No. 61.

U. S. Consulate General.
Habana, July 22 1896.

Hon. Richard Olney
Secretary of State
Washington.
D. C.

Sir:

I have requested persons in different portions of the Island, to keep me informed on any matter of interest in their section.

I enclose herewith copy of a letter from the U. S. Commercial Agent at

Laguna la Grande, which
is a saunple of others received

I know the writer personally,
he is a Soldier who fought
from 1861 to 1865, and is
worthy of the highest
credence.

I am, Sir,

Very respectfully,

Your obedient servant

A. Fitzhugh Lee

Consul General.

One enclosure:

Mr. Barker to Consul Gen: Lee -

Copy.

Personal;

July, 14th, 1896.

Gen'l. Fitzhugh Lee

Habana

My Dear Gen'l.

The military(?)operations in this consular district for the past ten days, comport so well with the occurrences of each week during a month, that I deem it proper to report same to you.

On the 2nd inst. the guerillas went to the home of one Castellanos, a Cuban residing in the outskirts of an inland village, Santos, situated on the Sagua la Chico river, tied and after battering him with the machete almost to unconscio usness threw him in the river, witnessing complacently, his death by drowning. That night his sons, aged from 14 to 22, increased the Insurgent ranks 4.

I knew Mr. Castellanos and found him to be in intelligence and in most respects, above the average Cuban. His sole crime was that a brother in law of his was a chief in the insurrec tion.

On the 10th inst, the local guerillas of Cifuentes, a R.R. town 10 miles from Sagua with Lt. Col. Jerra's column of infantry, the former numbering 200, and the troops 600, went out to drive in to town a herd of cattl e

being grazed about 3 miles out in the country. The Insurgent chief, Alvarez, with 200 men, having been duly advised of their coming, distributed his men in ambush so as to have the Spaniards almost within a hollow square.

He dashed in with machetes, killing and wounding 39 of the troops. Insurgent loss, 2 killed and 6 wounded.

The troops beat a retreat into town, while the Insurgents carried off the cattle:

This case of 200 falling in on 800 Spaniards is very unusual for the Rebels. They must have expected only the guerillas to come out.

On the 9th inst, a young man named Amchazuni, who had come into Sagua for greater safety over two months ago, applied to the military commander for a written permit, as a protection, to return to his farm, to remain with his aged grand mother, who, with his younger brother aged 13, was alone This permit was given, the day after reaching his country home the guerilla force of Quemado de Guines visited the place, arrested and tied both he and his small brother, who were, at the time bathing their horses at a well, the grand mother cutting grass in the yard near by. After first mutilating the young mans body, they killed him in the presence of the grand mother and the young brother, the latter being beaten most cruelly.

It happens that the young man killed is a brother-in-law

of the sexton of the Sagua Cathedral, and, it is claimed backed by the priest, this brother-in-law, will succeed in having this case made known to the Capt. General of the Island

On the IIth inst, the local guerillas of Sagua, I30 strong, rode out one and a half miles from town for the purpose of cutting grass for their horses. In passing a small field of cane, a few shots were fired at them, where upon the whole force dashed back to town, without the grass for their horses.

On the I2th inst, a band of Rebels, I do not think exceeding I2 or I5 as I could see them from the roof of the Consulate, appeared on a hill fully three fourths of a mile from town, shots were exchanged with the troops in the forts at this distance: but no troops were sent after them.

On yesterday, I3th the Insurgents derailed a freight train between here and the port, laBoca, or Isabela de Sagua, killing the engineer with several badly hurt. This occured about 7A.M. only 6 miles from here. The morning following the guerillas dashed out of town in pursuit of the Rebels, who were at that time, in all prob-ability, 40 miles away.

On the 9th an Insurgent who had been captured, was shot by the Sagua volunteers, and on yesterday, Jesus Rodriguez, a Rebel chief who had been captured while in a state of beastly intoxication, was shot at 6 A.M. by these same volunteers. The entire town turned out, led by martial music.
The officer conducting the shooting, endeavored to make him

exclaim, as his last words on earth, "Viva Espana", to which he invariably responded, "Cuba libre". If the Insurgents exhibited such nerve and courage on the field as they do at the stake, it occurs to me , as fighters they would be invincible. This chief Rodriguez, who was shot on yesterday, about 60 days since captured five Spanish soldiers with one "Civil guard"", (these, the Civil guard, in my judgment are the soldiers in Cuba) all of whom he immediately set free. This was told to me this day by the members of the "Guards" he had captured.

Yesterday morning it was telegraphed and telephoned from all directions, that Gomez with 5000 men had encamped on the "Saratoga"estate, but I5 miles from Sagua. Whether he was at that particular spot, I know not, but I do know he was somewhere near that distance from Sagua.

48 hours has elapsed and not a soldier has been sent out in pursuit of the Chief of the Insurgent army. An officers reply to my querry, why he was not pursued, was "It is not Gomez but a chief who is Gomez's double".

The foregoing are true, and can be verified. There are many other similar cases reported, but I doubt if much of it is true.

This has been the daily or weekly routine for the past 4 months.

With the coming of General Weyler, came the guerilla organizations. Their method is to bring the rebellion to an

end by slaying all Cubans, whether in arms or non-combatants This atrocious policy does not seem to arouse the Rebel's to any greater efforts to end the war, nor does it enkindle any greater resentment among them aginst the Spaniards.

They continue their policy of avoiding open fighting, relying upon harassing the Spaniards.

Yours very truly,

(Signed) Walter H. Barker

Com'l. Agent.

Confidential. Con Bnt

No. 62.

ASSISTANT SECRETARY
JUL 25 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
JUL 25 1896
DEPT. OF STATE

U. S. Consulate General.

Habana, July 22 1896

Mr Lee

to the

Department of State.

Respecting passports of chinese.

No: 62.

U. S. Consulate General.
Habana, July 22 1896

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D. C.

Sir:

I have the honor to acknowledge receipt of the Department's instruction No. 24, confidential, dated 3d instant, and signed Wm Woodward Baldwin, Acting Secretary, with enclosures of three letters addressed to the Department by Juan Lopez, of this city,

which has my attention.

I had already advised the Department under date of the 9th instant, No 45, respecting the method adopted by the Chinese Consul General at this city, of which he notified me, to prevent the use of old passports and other means availed of by chinese to evade the exclusion act, and no passports have since been visaed by me, but such as meet the stated requirements.

This office knows nothing of the reported irregularities of the Mexican Consulate, nor is any person known to it of the name of Juan Lopez -

I am,

Sir.

Very respectfully

Your obedient servant

Consul General.

F.

U.S. Consulate General
Havana, July 22. 1896

INDEX BUREAU
REC'D.
OCT 19 1896
DEPT. OF STATE

...n No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions haye been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
...ONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
...ABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:
...ONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

DEPT. OF STATE
RECEIVED
TELEGS. OFFICE
9:45 AM 1896

5780

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
29	WR	Com	18	US Govt Havana

RECEIVED at Washington July 22 1896

H a Kessel
unfd by
tel
7/23/96

Assistant Secretary of State
Washington

Am officially informed again today no extension to banana export granted

Lee

INDEX BUREAU
REC'D.
JUL 28 1896
DEPT. OF STATE

No. 63.

U. S. Consulate General

Havana, July 23, 1896.

Mr. Lee

to the

Department of State

Acknowledging receipt of
and confirming telegram.

No. 63.

U.S. Consulate General.
Havana, July 23, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receiph of the Department's telegram of yesterday reading:

"New York Herald
"publishes that Captain
"General of Cuba has
"granted thirty days
"extension to Banana
export.

"effort. Is this
"correct?
"Rockhill.

To which I had the
honor to answer as follows:
"Assistant Secretary
"of State.
"Am officially
"informed again to-day
"no extension to Panama
"effort granted."

I am, Sir,
Very respectfully,
Your ~~obt~~ servant
Fitzhugh Lee
Consul General.

ASSISTANT SECRETARY
JUL 29 1896
DEPARTMENT OF STATE

File

No. 64.

INDEX BUREAU
REC'D.
JUL 29 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, July 23, 1896.

Mr. Lee

to the

Department of State.

Cases of Calvar and Duarte.

No. 64

U.S. Consulate General
Havana, July 23rd 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With respect to the cases of George Calvar and Pedro Duarte, who were arrested in the district of Santiago de Cuba, and whose cases have been the subject of correspondence between the Department and my predecessor;

and

and for whom Mr. Williams, on the 5th of May last, asked of the Governor General that they be tried by the ordinary civil jurisdiction, I have now the honor to state that under date of the 12th June this office was notified by the Governor General that Calvar would be subjected to civil trial and Duarte would be released and probably sent out of the Island. This result was communicated to our Consul at Santiago de Cuba, with the

the request that he trans-
mit the same intelligence
to the Consular Agent at
Manzanillo, where Duarte
was confined, and whence
he had sent letters in-
voking my intervention.

On the 22d instant
I received a telegram
from Mr. Stakeman, at
Manzanillo, dated the
21st instant, to the effect
that the decree of the
Captain General declared
Calvar, and a certain
Manuel Romagosa, free
of any penalty, but
ordered them to be
placed at the disposal
of

of the General Govern-
ment as "objectionable
persons" (inconvenientes)
and asked that I obtain
an order that they might
present themselves at
Havana, but without
being held under arrest.
Upon making this
application I learned
from the Governor General
that Messrs. Calvar and
Romagosa were at Com-
plete liberty, and could
therefore come to Havana
whenever they pleased,
without any restriction
or order whatever.

I telegraphed this
decision

decision of the Governor General to Consular Agent Stakeman this morning.

The Manuel Romagosa referred to is a physician and an American citizen, the particulars of whose arrest and imprisonment were not known to this office, and for whom I certified upon the request of the Government, under date of the 14th instant, that he is duly registered in the Register of citizens.

I am, Sir, very respectfully,

your obedient servant,

Fitzhugh Lee

Consul General.

No. 65. Recd. with Mr. Adee's Dispatch of July 29 1896

INDEX BUREAU
REC'D.
JUL 29 1896
DEPT. OF STATE

ASSISTANT SECRETARY
JUL 29 1896
DEPARTMENT OF STATE

U.S. Consulate General

Havana, July 24, 1896.

Mr. Lee

to the

Department of State.

Application of Mr. Oscar de los Reyes y Schneidau for registration as an American citizen.

1 Enclosure

20 ASSISTANT SECRETARY.
JUL 30 1896

Mr. Ryckhill.

This young man claims citizenship by birth abroad of a citizen father. The mother's birth & domicile do not affect the case.

It is incumbent upon him to show that his father was a citizen of the U.S. at the time of the applicant's birth & also in that case to prove intent to come to the U.S. to dwell.

If however the applicant were born prior to his father's naturalization it would be necessary to claim citizenship through the father by proving the father's naturalization and that the son dwelt in the U.S. sufficiently during minority and subsequent to his father's acquisition of citizenship -

Ask

No. 65.

U.S. Consulate General.
Havana, July 24, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I have received from Mr. Oscar de los Reyes y Schweidan, of this city, an application to issue to him a certificate of registration of American citizenship. 1/

He bases his claim upon the fact that his mother, Rosalie Schweidan,

a

a native of New Orleans, La., was married to Esteban de los Reyes, a Cuban who became naturalized as a citizen of the United States, — of which, however, no proof is furnished, and that his brothers and himself were born in this Island. His mother afterwards became divorced from her husband and on Nov. 23d, 1874, was registered in this office, and a note added: 'with four minor children'. As there does not appear on said Register, any previous

previous entry of Mr. Reyes or his family, it is presumed that he was not then a citizen of the United States.

I learn that of the four sons one is dead, and one resides in the United States. Of the two here, Joseph has a place in the University, paid by the Government, and has no wish to be considered as an American, or to acquire citizenship as such, while the applicant named, Oscar, is very anxious to have his status

status fixed.

I beg to refer the said application to the Department for its ruling thereon.

I am, Sir,

Very respectfully

Your obedient Servant,

Consul General.

One enclosure:

No. 1 - Application referred to.

Enclosure No.1.

With Despatch No. 65

H A B A N A , July 23rd,1896.

Copy.

HABANA, July 23rd,1896.

Pitghugh Lee, Esquire.

U.S.Consul General.

HABANA.

Sir:

About twenty years ago,my mother,Mrs REYES,neé ROSALIE SCHMEIDAU,a widow born,in New Orleans,La,presented herself and her four children,Stephen,Raphael, Joseph and the undersigned,all of us born in Habana, at this Consulate General, to be inscribed as american citizens, inasmuch as she is native of the United States and her husband, Esteban de los Reyes,our father,from whom she was divorced,although a native of this Island,was a naturalized citizen of the United States.

In view of the preceding explanation,I beg of you to issue in my favor a certificate of american citizenship,of which nationality I have always been considered a member, and as such I appear to be five years ago in my marriage certificate.

Your obedient servant,

(Signed) OSCAR de los REYES y SCHMEIDAU.

DIPLOMATIC
JUL 30 1896
BUR

Dipl. Bur.

ASSISTANT SECRETARY
JUL 29 1896
DEPARTMENT OF STATE

To Mr. Harris Taylor, Secretary

No. 66.

So Cor

INDEX BUREAU
REC'D.
JUL 29 1896
DEPT. OF STATE

U.S. Consulate General,

Havana, July 24, 1896.

Mr. Taylor
To Aug. 3.
Acknd &c.
Aug 5.

Mr. Lee

to the

Department of State.

Relating to a fine imposed by the custom house of this port on Messrs Galban & Co for an apparent clerical error.

1 Enclosure

No. 66.

U.S. Consulate General.

Havana, July 24, 1896.

Hon. W.W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have received a communication from Messrs. Galban & C, of this city, agents of the Southern Pacific Company, of New Orleans, La., and consignees of the American steamers running between New Orleans and Havana, in which I am informed

1/

of

of a fine imposed in
May last by the customs
authorities of this port upon
the Amer.n Steamer "Whitney",
of said line, because of
an apparent clerical
error in stating the
weight of 1634 quarter
bales of hay, brought
among the cargo of said
steamer, made by taking
the figures which re-
presented the weight on
the bill of lading in
pounds, and copying them
on to the manifest in
Kilos. Although the error
was perceived by the master
upon making the copies
of

of the manifests required by custom house regulations, and noted thereon, there was no time to take advantage of the opportunity allowed by the Regulations to correct the error. Consequently, the customs authorities imposed a fine, amounting to $48.70, in accordance with article 149 of the Regulations.

I learn that this office in the past has repeatedly shown the customs and finance authorities of this Island the injustice of the imposition

imposition of such fines for errors, which, in the United States, in similar cases, in accordance with article 2887 of the Revised Statutes, would be corrected by a post entry at the trifling charge of two dollars each.

As the Intendant of Finance has no authority to condone fines, that power being reserved to the Colonial Minister, I transmit this case to the Department of State for such diplomatic action as it may deem best to take in the premises.

premises.

I am, Sir,

Very respectfully,

Your ~~obedient servant~~,

Fitzhugh Lee

Consul General.

1 Enclosure:

No. 1 - Communication referred to.

Enclosure No. 1 -

With Despatch No. 66 -

H A B A N A , July 24, 1896.

Copy.

Habana, July 22.1896.

Fitzhugh Lee, Esquire,

U.S.Consul General at this City.

Dear Sir:-

As the agents at this port of the Southern Pacific Co., of New Orleans, owning the American steamers that render the mail service between New Orleans and Habana, we beg to state as follows:-

The American mail steam ship "Whitney" entered this port on the 10th.May last, carried among other goods the 1634 quarter bales of hay described in the attached bill of lading.

In accordance with article 40 of the Custom House Regulations of this Island, the Captain compiled the manifest of all the cargo at Key West and had it vised by the Consul of Spain at that port.

As the weight of the hay is stated in the bill of lading in pounds and in kiles, the Captain committed the error of taking the ciphers representing the weight in pounds and writing them down as kiles on the manifest which error is easily explained by examining the bill of lading.

At the time of compiling the copies of the manifest called by article 49 of the Regulations, the Captain noticed the error committed in the original, and so he stated it on said copies.

As the steamers of this line leave Key West at 6 o'clock in the evening to enter at Habana at 5 1/2 the following morning, they cannot under such circumstances take advantage of article 40 of the Regulations for the correction of manifests.

Although the Custom House officers acknowledge that the fault has been committed by error and that such error could not harm the Rent of Customs (Customs Revenues) they have been compelled to impose on the Captain a fine of $4870.00, in compliance with article 149 of the regulations.

The undersigned have addressed a petition to the Minister at Spain asking the remission of the fine; but is to be noticed that according to article 8 of the Regulations the Minister is only entitled to remit half the fine, thus remaining severely punished the most simple error.

We know nevertheless of similar instances in which the whole remission of the fine has been granted through the good offices of the United States Minister at Madrid. And this being the only means to obtain equal result, we inform you about it so that if you deem it advisable may take such course to protect the interests of citizens of your country.

Respectfully yours,

(Signed) GALBAN & CO.

SOUTHERN PACIFIC COMPANY.

FLORIDA, HAVANA AND NEW ORLEANS LINE.

Shipped, In apparent good order and condition, by Jac Trautman & Co on board the Steamship called the Whitney whereof is Master for the present voyage, or whoever else may go as Master in the said ship, now lying in the port of Algiers and bound for with liberty to sail with or without Pilots, to call at any intermediate port or ports, and to tow and to assist vessels in all situations, the following described packages, being marked and numbered as in the margin, to be delivered in like order and condition at the aforesaid port of Havana subject to the terms and conditions stated in this Bill of Lading which constitute the contract between the Shippers and the Owners of the steamer.

(The Act of God, Public Enemies, Pirates, Robbers, Thieves, Vermin, Barratry of Master or Mariners; Restraints of Princes and Rulers or People; Loss or Damage resulting from insufficiency in the Strength of Package; Sweating, Breakage, Leakage, Rust, Decay, Rain, Spray; Loss or Damage from Storage or Contact with, or Smell or evaporation from, any other Goods; Inaccuracies, obliterations or absence of marks, numbers, addresses, or description of goods shipped; Injury to wrappers, however caused; or from any of the following perils, whether arising from the negligence, default or error in judgment of the Pilot, Master, Mariners, Engineers or other persons in the service of the ship, or for whose acts the ship-owner is liable, or otherwise howsoever.) EXCEPTED; Namely: Risk of Craft or Hulk, or Transhipment, explosion, Heat or FIRE at Sea, in Craft or Hulk, or on Shore, either before lading or after unlading; Boilers Steam or Machinery, or from the consequence of any damage, or injury thereto, howsoever such damage or injury may be caused; Collision, Stranding, Straining, or other Peril of the Seas, Rivers, Navigation of whatever nature or kind soever, or howsoever caused, being EXCEPTED; with liberty, in the event of the Steamship putting back into any Port, or otherwise being prevented, from any cause, from proceeding in the ordinary course of her voyage, to tranship the goods or any other Steamship, Steamer or Vessel, under and subject to all the Conditions and Exceptions in this Bill of Lading.

Unto Galban & Co. or to his or their assigns, he or they paying freight and charges.

with five per cent. primage and average accustomed.

Freight and Charges to be paid immediately after the landing of the Goods, without credit or discount. **WEIGHT, GAUGE, CONTENTS AND VALUE UNKNOWN.**

The Goods to be taken from alongside, by the Consignee as soon as discharged, otherwise they will be stored at the risk and expense of Owner, Shipper or Consignee. It being expressly understood and agreed to by the shipper that all liability of the said Ship, under this Bill of Lading, ceases as soon as the articles named herein are delivered from the tackles of the Steamer at her Port of destination. *(The Collector of the Port being hereby authorized to grant a general order for discharge, immediately after entry of the ship at the Custom House.)*

The owners of the Ship are not liable for Gold or Silver or other precious metal, manufactured or unmanufactured, or in coin or plated articles; Glass, China, Jewelry, Precious Stones, Trinkets, Watches, Clocks, Time-Pieces, Mosaics, Bills, Bank Notes, of any country, Notes or Securities for payment of money, Lottery Tickets, Stamps, Maps, Writings, Title Deeds, Paintings, Engravings, Pictures, Statuary, Silks, Furs, Lace, Cashmere, manufactured or unmanufactured, made up into clothes or otherwise, contained in any Parcel or Package, unless the value thereof be declared at the time of shipment, and expressed in the Bill of Lading, and extra freight, as may be agreed upon, paid.

The Shippers contract not to ship any Goods of a dangerous, hazardous, or explosive nature; and not to ship Liquids, or goods which may do damage, without marking the contents on the outside of each package; also to be responsible for the proper description of the goods and due compliance with all regulations imposed by authorities at port of shipment and discharge. The shipper to be liable for any fines, expenses, loss or damage sustained or incurred by the owners of the Steamer or the owner of other goods on board in consequence of the failure to comply with any of these conditions or stipulations; and the owner of the Steamer to have a lien upon the goods, to be made available, if necessary, by sale or otherwise, for and until the payment of all such costs, fines, expenses, loss or damage.

It is further stipulated and agreed that all claims for loss of or for damage to the Goods specified in this Bill of Lading must be made by the Consignee to the Agent of the Steamer, and adjusted before the removal of the goods from the wharf where landed; the liability of the owners of the steamer, in case of loss and injury to goods, for which they may be responsible, to be calculated on, in no case to exceed, the invoice price.

And it is further expressly stipulated, that, in case the Steamships of Southern Pacific Company, shall be prevented, restrained or delayed in any way by Quarantine regulations from delivering their cargoes at port of destination, all charges for storage, cooperage, drayage, insurance, labor and extra compensation for freight, in consequence thereof are at the expense and risk of the owner or owners of the goods; or should the steamship be prevented from landing the goods, then she shall have the liberty to return them to point of shipment or nearest port practicable, earning and collecting freight both ways; and the obligations of the steamship under this Bill of Lading be deemed to have been fully accomplished when the articles shall have been delivered from the tackles of the Steamship, and all risk and expenses incurred thereafter shall be on account of the aforesaid owner, shipper or consignee.

And any and all clauses, covenants or agreements in this Bill of Lading whereby the manager, agent, master or owner of the vessel is to be or would be relieved from liability for loss or damage arising from negligence, fault or failure in proper loading, stowage, custody, care or proper delivery of any lawful merchandise or property committed to its or their charge, and any covenant or agreement whereby the obligations of the owner or owners of the vessel to exercise due diligence, properly equip, man, provision and outfit said vessel or to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents or servants to carefully handle and stow her cargo and to care for and properly deliver the same, shall in anywise be lessened, weakened or avoided, are hereby stricken out of this Bill of Lading and cancelled.

And it is further agreed, that the receipt or possession of this Bill of Lading, by the Owner, Shipper, Consignee, or Agent of either or all of them, shall be deemed sufficient proof of their knowledge and agreement to the foregoing.

In Witness Whereof, The Agents of said Steamship have signed 3 Bills of Lading, all of this tenor and date, one of which being accomplished, the others to stand void.

Dated at Algiers La 5/9 1896

Lighterage at risk and expense of Consignee.

(1634/4)	Bales P Hay	90.020 lbs
		41.409 Kilos
(firmado)	John E Grasey	$450.00 Value

Southern Pacific Company.

J. KRUTTSCHNITT, Gen'l Manager,
J. G. SCHNEIVER, Traffic Manager.
New Orleans.

GALBAN, RIO & CO., Agents,
Havana.

J. J. PHILBRICK, Agent,
Key West.

FLORIDA SOUTHERN RAILROAD, Agent.
Punta Gorda.

Copia

MARKS:

No Marks.

Cultivare No 1
Mat Dupuis
Habana

Freight .....
Primage .....
Charges .....
Lighterage .....

Am Gold $3.70 1/4

SOUTHERN PACIFIC COMPANY.

FLORIDA, HAVANA AND NEW ORLEANS LINE.

Shipped, In apparent good order and condition, by _____ on board the Steamship called the _____ whereof _____ is Master for the present voyage, or whoever else may go as Master in the said ship, now lying in the port of _____ and bound for _____ with liberty to sail with or without Pilots, to call at any intermediate port or ports, and to tow and to assist vessels in all situations, the following described packages, being marked and numbered as in the margin, to be delivered in like order and condition at the aforesaid port of _____ subject to the terms and conditions stated in this Bill of Lading which constitute the contract between the Shippers and the Owners of the steamer.

(The Act of God, Public Enemies, Pirates, Robbers, Thieves, Vermin, Barratry of Master or Mariners; Restraints of Princes and Rulers or People; Loss or Damage resulting from insufficiency in the Strength of Package; Sweating, Breakage, Leakage, Rust, Decay, Rain, Spray; Loss or Damage from Storage or Contact with, or Smell or evaporation from, any other Goods; Inaccuracies, obliterations or absence of marks, numbers, addresses, or description of goods shipped; Injury to wrappers, however caused; or from any of the following perils, whether arising from the negligence, default or error in judgment of the Pilot, Master, Mariners, Engineers or other persons in the service of the ship, or for whose acts the ship-owner is liable, or otherwise howsoever.) EXCEPTED; Namely: Risk of Craft or Hulk, or Transhipment, explosion, Heat or FIRE at Sea, in Craft or Hulk, or on Shore, either before lading or after unlading; Boilers Steam or Machinery, or from the consequence of any damage, or injury thereto, howsoever such damage or injury may be caused; Collision, Stranding, Straining, or other Peril of the Seas, Rivers, Navigation of whatever nature or kind soever, or howsoever caused, being EXCEPTED; with liberty, in the event of the Steamship putting back into any Port, or otherwhise being prevented, from any cause, from proceeding in the ordinary course of her voyage, to tranship the goods by any other Steamship, Steamer or Vessel, under and subject to all the Conditions and Exceptions in this Bill of Lading.

Unto _____ or to his or their assigns, he or they paying freight and charges.

_____ with five per cent. primage and average accustomed.

Freight and Charges to be paid immediately after the landing of the Goods, without credit or discount. **WEIGHT, GAUGE, CONTENTS AND VALUE UNKNOWN.**

The Goods to be taken from alongside, by the Consignee as soon as discharged, otherwise they will be stored at the risk and expense of Owner, Shipper or Consignee. It being expressly understood and agreed to by the shipper that all liability of the said Ship, under this Bill of Lading, ceases as soon as the articles named herein are delivered from the tackles of the Steamer at her Port of destination. (*The Collector of the Port being hereby authorized to grant a general order for discharge, immediately after entry of the ship at the Custom House.*)

The owners of the Ship are not liable for Gold or Silver or other precious metal, manufactured or unmanufactured, or in coin or plated articles; Glass, China, Jewelry, Precious Stones, Trinkets, Watches, Clocks, Time-Pieces, Mosaics, Bills, Bank Notes, of any country, Notes or Securities for payment of money, Lottery Tickets, Stamps, Maps, Writings, Title Deeds, Paintings, Engravings, Pictures, Statuary, Silks, Furs, Lace, Cashmere, manufactured or unmanufactured, made up into clothes or otherwise, contained in any Parcel or Package, unless the value thereof be declared at the time of shipment, and expressed in the Bill of Lading, and extra freight, as may be agreed upon, paid.

The Shippers contract not to ship any Goods of a dangerous, hazardous, or explosive nature; and not to ship Liquids, or goods which may do damage, without marking the contents on the outside of each package; also to be responsible for the proper description of the goods and due compliance with all regulations imposed by authorities at port of shipment and discharge. The shipper to be liable for any fines, expenses, loss or damage sustained or incurred by the owners of the Steamer or the owner of other goods on board in consequence of the failure to comply with any of these conditions or stipulations; and the owner of the Steamer to have a lien upon the goods, to be made available, if necessary, by sale or otherwise, for and until the payment of all such costs, fines, expenses, loss or damage.

It is further stipulated and agreed that all claims for loss of or for damage to the Goods specified in this Bill of Lading must be made by the Consignee to the Agent of the Steamer, and adjusted before the removal of the goods from the wharf where landed; the liability of the owners of the steamer, in case of loss and injury to goods, for which they may be responsible, to be calculated on, in no case to exceed, the invoice price.

And it is further expressly stipulated, that, in case the Steamships of Southern Pacific Company, shall be prevented, restrained or delayed in any way by Quarantine regulations from delivering their cargoes at port of destination, all charges for storage, cooperage, drayage, insurance, labor and extra compensation for freight, in consequence thereof are at the expense and risk of the owner or owners of the goods; or should the steamship be prevented from landing the goods, then she shall have the liberty to return them to point of shipment or nearest port practicable, earning and collecting freight both ways; and the obligations of the steamship under this Bill of Lading be deemed to have been fully accomplished when the articles shall have been delivered from the tackles of the Steamship, and all risk and expenses incurred thereafter shall be on account of the aforesaid owner, shipper or consignee.

And any and all clauses, covenants or agreements in this Bill of Lading whereby the manager, agent, master or owner of the vessel is to be or would be relieved from liability for loss or damage arising from negligence, fault or failure in proper loading, stowage, custody, care or proper delivery of any lawful merchandise or property committed to its or their charge, and any covenant or agreement whereby the obligations of the owner or owners of the vessel to exercise due diligence, properly equip, man, provision and outfit said vessel or to make said vessel seaworthy and capable of performing her intended voyage, or, whereby the obligations of the master, officers, agents or servants to carefully handle and stow her cargo and to care for and properly deliver the same, shall in anywise be lessened, weakened or avoided, are hereby stricken out of this Bill of Lading and cancelled.

And it is further agreed, that the receipt or possession of this Bill of Lading, by the Owner, Shipper, Consignee, or Agent of either or all of them, shall be deemed sufficient proof of their knowledge and agreement to the foregoing.

In Witness Whereof, The Agents of said Steamship have signed _____ **Bills of Lading,** all of this tenor and date, one of which being accomplished, the others to stand void.

Dated at _____ 189 **Lighterage at risk and expense of Consignee.**

_____

_____

_____

_____

_____

_____

Southern Pacific Company.
J. KRUTTSCHNITT, Gen'l Manager,
J. G. SCHRIEVER, Traffic Manager.
New Orleans.

GALBAN, RIO & CO., Agents,
Havana.

J. J. PHILBRICK, Agent,
Key West.

FLORIDA SOUTHERN RAILROAD, Agent.
Punta Gorda.

MARKS:

Freight .....
Primage .....
Charges .....
Lighterage .....

INDEX BUREAU
REC'D.
JUL 27 1896
DEPT. OF STATE

Habana,
July 25. 1896.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:
LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.
LIVERPOOL: 45 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

Rec'd 26 July

NUMBER	SENT BY	RECD BY	No. OF WORDS.		FROM
24 Ny	T	Jm	55	Govt	Havana

RECEIVED at 610P July 25 1896

July 25 Assistant Secretary of State
Washington DC

Admiral informed me on twenty third date day previous that he had inhibited Marine jurisdiction in Case George Aguirre in favor of Military jurisdiction & immediately claimed of governor general his trial by Civil Court under treaty or release no reply yet received. = Lee

Com. Rel. - N.Y.

Ch + Rep. J.C. - W.

ASSISTANT SECRETARY
AUG 4 1896
DEPARTMENT OF STATE

No. 67

U.S. Consulate General.

Havana, July 27, 1896.

INDEX BUREAU
REC'D.
AUG 1 1896
DEPT. OF STATE

Mr. Lee

to the

Department of State.

I. N.P. Boath Aug. 7. Answd. Aug. 25.

Answering Department's instruction No. 23 of the 23 instant relative to a claim of the Spanish-American Light and Power Co, Consolidated, against the city of Havana.

1 Enclosure.

Mr. Adee:

Will you have the goodness to look over these papers & tell me whether you think the course suggested is a proper one & if so, whether the draft is sufficient.

W.W.H.

Dear Mr. Faison

I like this - If the case is exceptional, the Gov. Gen's reply has made it so.

Aug. 22.

Adee

No. 67.

U.S. Consulate General.
Havana, July 27, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In answer to the Department's instruction number 23 of the 2d instant, relative to a claim of the Spanish American Light and Power Company, Consolidated, against the city of Havana, I have

have now the honor
to report that on the
21st instant I addressed
a communication to the
Governor General asking
for such information
as could be furnished
me on the subject and
on the 24th instant I
received his reply, which
is to the effect that
whilst the Government
is incompetent, without
due official cognizance
of the case, to order
the payment of the
claim, and the Com-
pany may take it into
Court, yet for its part
it

it will demand the
exact fulfilment of the
public lighting service.

I am, Sir,

Very respectfully,

Your obedient Servant,

[redacted]

Consul General.

1 Enclosure:

No. 1 - Communication
referred to.

Enclosure No. 1

With Despatch No. 64

H A V A N A, July 24, 1896.

Translation.

General Government of the Island of Cuba.

Havana, July 23, 1896.

To the Consul General of the United States,

Sir:

With respect to your communication of the 21st instant desiring to be informed concerning the credit held by the Spanish-American Light and Power Company, Limited, against the Municipality of this city, as a consequence of the public lighting service of which it is the contractor, I must state that in accordance with the laws in force, this Government is incompetent to order the solvency of said credit, so long as it has no official cognizance of the matter, or any recourse be brought before it, in proper degree and time, as may be provided by the clauses of the agreement made between said Company, and the City.

But treating of a two-sided public contract, in which are laid down the respective rights and actions of each contracting party, such should be regulated strictly to the said clauses for the exercise of their mutual rights, in which understanding, the Company con-

cerned, to which you refer in your polite communication, may appeal to the corresponding courts to put into practise the right it believes it has; but careful to fully observe what it may have contracted respecting the fulfilment of the obligations on its charge.

The municipal corporation in its economic-administrative character governs itself by its organic law, and by that is at liberty to contract for the public service to which it is bound by the same law, without this Government having any other attributions in the superior inspection which the law allows it, than that of requiring the most exact and efficient compliance of the service, as the municipality is the sole responsible party towards the other contracting party for the execution of the agreement in the contract relative to the public service in question.

By the foregoing I desire to clearly explain the real situation of the Municipality and the Company named with respect to the public service of lighting by gas, and also to suitably furnish you the information you desired in the matter.

God guard you many years.

(Signed) Valeriano Weyler.

Enclosure nº. 1
with Despatch nº. 67
Havana, July 27, 1896

Gobierno General de la
Isla de Cuba.

Atento a la comunicacion de V.S. de fecha 21 del corriente interesando informes respecto del credito de la Compania Spanish American Light and Power Company Consolidated, tiene contra el Ayuntamiento de esta Capital como consecuencia del servicio publico del alumbrado de que es contratista debo significar a V.S. que con arreglo a la legislacion vigente este Gobierno es incompetente para ordenar la solvencia de dicho credito mientras no conozca oficialmente del asunto por venir en lugar y grado si es que las clausulas del contrato celebrado entre dicha compania y el Ayuntamiento otorga a aquella recurso para ante este Gobierno.

Tratandose de un contrato publico bi-lateral, en el que estan consignados los respectivos derechos y acciones de cada entidad contratante estas deben ajustarse estrictamente a dichas clausulas para el ejercicio de sus mutuos derechos en cuyo concepto la compania interesada a que se contrae V.S. en su respetable comunicacion puede acudir a los tribunales correspondientes a ejercitar el derecho a que se crea asistida cuidando de ajustarse en un todo a lo contratado respecto al cumplimiento del servicio a su cargo.

La corporacion municipal como economico-administrativa se rige por su ley organica y por ella es libre de contratar los servicios publicos a que esta obligada por la misma ley sin que este Gobierno tenga otras atribuciones en la alta inspeccion que las leyes le otorgan que la de exigirle el mas exacto y eficaz cumplimiento de este servicio siendo el Ayuntamiento el exclusivo responsable para con la otra parte contratante del cumplimiento de lo pactado en el contrato relativo al servicio publico de referencia.

Con lo expuesto considero dejar explicada claramente la verdadera situacion del Ayuntamiento y la compañia referida con relacion al servicio publico del alumbrado de gas e instruido convenientemente a V.S. respecto de los informes que sobre la materia se ha servido interesar.

Dios guarde a V.S. muchos anos,
Habana 23 de Julio de 1896
Valeriano Weyler.

.Consul General de los Estados Unidos de America en esta ciudad.

ASSISTANT SECRETARY
AUG 3 1896
DEPARTMENT OF STATE

No. 68.

INDEX BUREAU
REC'D.
AUG 3 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, July 27, 1896.

Mr. Lee
to the
Department of State.

Acknowledging receipt
of and confirming telegram,
relative to care of George Aguirre.

No. 68

U. S. Consulate General.
Havana, July 27, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge the receipt of your cypher telegram of the 24th instant, reading:

"It is reported
"that George Aguirre
"has been turned
"over to the military
"authorities; his
American

"American citizenship
"being shown, to
"your satisfaction and
"all known facts
"disproving capture
"with arms in hand,
"you will, if reported
"delivery to military
"court be true, renew
"demand for civil
"proceedings pur-
"suant to treaty
"and protocol."

In reply I telegraphed as follows:

"Assistant Secretary
"of State, Washington D.C.
"Admiral informed
me

"me on twenty-third,
"date day previous,
"that he had inhibited
"marine jurisdiction
"in case George Aguirre
"in favor of military
"jurisdiction, I im-
"mediately claimed
"of Governor General,
"his trial by civil court
"under treaty, or
"release. No reply
"yet received." - which
I beg to confirm.

I am, Sir,

Very respectfully,

Your ~~obt servt~~

Fitzgerald

Consul General.

INDEX BUREAU
REC'D.
JUL 29 1896
DEPT. OF STATE

Habana,
July 28. 1896.

Asst. Sec'y of State

No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

RECEIVED

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

Gov't

949

NUMBER	SENT BY	RECD BY	No. OF WORDS.	FROM
453 my	T	R	16	Havana

RECEIVED at July 28 1896

Just Rec'd informed July 30.

July 28 Assistant Secretary of State
Washington DC
Nothing known here reported death of Pearce at Hinsen Lee

ASSISTANT SECRETARY
AUG 3 1896
DEPARTMENT OF STATE

No. 69.

INDEX BUREAU
REC'D.
AUG 3 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, July 29, 1896.

Mr. Lee

to the

Department of State.

Transmitting translation of a decree of the Captain General offering rewards for the capture of filibuster expeditions.

1 Enclosure.

No. 69

U.S. Consulate General.

Havana, July 29, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy-translation of a decree of the Captain General, published yesterday in the Havana Gazette, offering rewards for the capture of filibuster expeditions. 1/

I am,

Sir,

Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

No. 1 - Decree referred to.

CRANE'S

Enclosure No.1.

With Despatch No. 69

H A V A N A , July 29,1896.

Translation.

General Government of the Island of Cuba.

DECREE.

Competently authorized by His Majesty's Government I do hereby decree the following:

Article First:

To every person who shall aid our war cruisers to capture any steam vessel with a filibuster expedition on board, shall be rewarded by the Treasury of this Island with the sum of twenty four thousand dollars, in the act of making the capture, and with nine thousand dollars for every sailing vessel of over 205 tons under similar circumstances as the preceding.

Article Second:

The master of any vessel that may be captured shall be exempt of all kind of responsibilities.

Havana, July 26,1896.

WEYLER.

CRANE'S

Enclosure No. 1
With Dispatch No. 69
Habana, July 29. 1896

GACETA DE LA HABANA

Martes 28 de Julio de 1896

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

DECRETO

Competentemente autorizado por el Gobierno de S. M., vengo en decretar lo siguiente:

Artículo primero.—A todo individuo que facilite á nuestros cruceros de guerra el apresamiento de cualquier buque de vapor con una expedición filibustera, se le gratificará, por el Tesoro de esta Isla, con la suma de veinticuatro mil pesos en el acto que se realice la presa; y con la de nueve mil pesos por cada embarcación de vela de más de doscientas cinco toneladas en iguales circunstancias que la anterior.

Artículo segundo.—Queda exento de toda clase de responsabilidades el capitán del buque que sea apresado.

Habana, 26 de Julio de 1896.

Valeriano Weyler.

File

ASSISTANT SECRETARY
AUG 5 1896
DEPARTMENT OF STATE.

No. 70

INDEX BUREAU
REC'D.
AUG 4 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, July 29, 1896.

Mr. Lee

to the

Department of State

Acknowledging receipt of and confirming telegram relative to Mr. Pearce Atkinson.

No. 70.

U.S. Consulate General.

Havana, July 29, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I have the honor to acknowledge the receipt of your telegram of yesterday reading:

"Pearce Atkinson,
"American, reported
"Killed near Havana.
"Cable information"

To which I answered

by

by telegraph as follows:

"Assistant Secretary of
"State. Washington D.C.
"Nothing known here
"reported death Pearce
"Atkinson;" - which I
beg to confirm.

I am, Sir,

Very respectfully,

Your obedient servant,

Consul General.

No: 71.

U. S. Consulate General.
Habana. July 30 1896.

Jer

Mr. Lee
to the
Department of State

Receipt of instructions
Nos 23 to 42.

INDEX BUREAU
REC'D.
AUG 4 1896
DEPT. OF STATE

No. 71.

U. S. Consulate General

Habana. July 30 1896.

Hon: William W. Rockhill.

Assistant Secretary of State

Washington

D. C.

Sir:

I have the honor to acknowledge the receipt of the department's instructions numbers 23 to 42, inclusive, the several matters of which have my attention.

I am, Sir, very respectfully

your obedient servant,

Consul General.

ASSISTANT SECRETARY
AUG 5 1896
DEPARTMENT OF STATE

No. 72

INDEX BUREAU
RECD.
AUG 4 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, July 30, 1896

Mr. Lee
to the
Department of State.

Case of the American
citizen Mr George W. Aguirre.

1 Enclosure

No. 72

U.S. Consulate General.
Havana, July 30, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch no 68 of the 27th instant relative to the case of the American citizen, Mr. George W. Aguirre, captured, as I am informed, without arms in hand, in a boat while coming to this port, I beg to state

state that I addressed communications on the 11th instant, both to the Captain General, and to the Admiral of this Naval Station, asking for Aguirre's release should there be no charges against him, otherwise that he be tried by the civil jurisdiction in conformity with the treaty between the United States and Spain of 1795, and the protocol of January 12, 1877.

On the 23d of July I received a note from the Admiral stating that he

he had inhibited the
marine jurisdiction in
favor of the military;
and I, therefore, again
addressed another com-
munication to the Captain
General confirming my
former request of the P/Ms
to the effect that Mr.
Aguirre be released or
tried by the civil juris-
diction. I received
yesterday, in response
to the above, a note
from the Governor General,
copy-translation of
which I beg to submit,
herewith, to the Depart-
ment. 1/

I am,

I am, Sir,

Very respectfully,

Your obedient servant

Consul General

1 Enclosure:

No. 1- Note referred to.

Enclosure No.1.

With Despatch No.72.

H A V A N A, July 30,1896.

TRANSLATION.

THE GOVERNOR GENERAL of the ISLAND of CUBA presents his respects to the CONSUL GENERAL of the UNITED STATES and has the pleasure to inform him, in answer to his courteous note of to-day, that the case of the American citizen Mr. George W.Aguirre is now pending resolution as to what jurisdiction shall have cognizance thereof; and that the judge advocate, acting as prosecutor, having reported thereon, the case is now referred to the judge advocate general who will soon resolve if the war jurisdiction shall inhibit the cognizance of the case in favor of the ordinary.

The Lieutenant General Weyler, Marquis of Tenerife, avails himself of the occasion to reiterate to Mr.Fitzhugh Lee the assurances of his esteem and distinguished consideration.

HABANA, 29 July, 1896.

CONSULATE GENERAL OF THE UNITED STATES.

HABANA, July after July 21st & about July 30 or 31. 1896.



Mr. W. W. Rockhill:

Assistant Sec. of State.

Washington D.C.

File

My Dear Mr. Rockhill;

Replying to your personal letter of 2Ist. July in reference to George Washington Aguirre, I write to say I am informed he has been in the Insurgent army, and that he left it, went to the sea shore, and with four companions compelled two Spanish fishermen to put him in a boat for the purpose of reaching Habana.

His four companions returned to the interior. Aguirre then gave each fisherman gold to carry him to Habana, and was captured en route. Seeing that he could not avoid capture, he threw his only weapon, his pistol, overboard, with some letters and papers he had on his person, and when taken, stated he was on his way to Habana to "Present himself" which means I suppose, to surrender. The impression is that he was on his way to New York.

The poor fishermen have been tried and sentenced to be shot, but the sentence was afterwards commuted to imprisonment for life in the African fortress.

I have protested aginst Aguirre's trial by military court

but as yet nothing has been done. His case was removed from the Marine to the Military jurisdiction.

I shall insist, if he is tried, that the trial take place before the civil courts, and shall watch his case closely.

Very truly yours,

Consul General.

P.S.

Undersated No 7 June 20 attention of the Dept was called to the condition of the 3 old typewriters in the office here.

Since then we have exchanged (see your dispatch No 20 July 1 1896) an old one for an excellent Remington type writer #10. You will see from this letter, how necessary it is to get the new instruments for it was written on one of the old instruments the best one of the two.

H

Com Bur

File

TELEGRAM RECEIVED.



Confirmed in Consul's no 74 of Aug 1.

From Habana

July 31, 1896.

Received M.

Assistant Secretary of State Washington, D.C.



Making Consuls of Commercial agents gives more prompt protection to American interests. Cannot see how change affects our relations with Captain General. Reply has been delayed to consider question.

Lee

Deciphered
Aug. 1. '96. 9 a.m.
(Kenny)

Repeated to Secty at Falmouth aug 1. 96. Commercial agent in cipher. JMB.

Rec'd Aug 6.

ASSISTANT SECRETARY
AUG 5 1896
DEPARTMENT OF STATE.

No. 73

INDEX BUREAU
REC'D.
AUG 4 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, July 31st 1896.

Mr. Lee

to the

Department of State.

Submitting translation of an additional decree relating to registration of foreigners in the towns and country.

1 Enclosure

Mr Adee.

You may wish to see this
Com Root's
Ark by subject as
indicated below

WR

Aug 5, 1896

Mr. Rockhill.

Thanks. It is a mere detail, obviously for the convenience of the foreigner and therefore not in itself objectionable. It does not touch upon the objectionable features of the first decree which occasioned the protesting ~~my draft~~ note to Mr. Dupuy, sent July 24 but not yet acknowledged.

You might so answer Enib Lee. aag

No. 73.

U.S. Consulate General.
Havana, July 31st 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir.

With reference to my despatch no. 54 of the 16th instant accompanying translation of the decree of the Governor General, of the 14th instant, respecting the registration of foreign citizens resident in this Island, I beg to enclose, herewith, a copy-translation

of

of an additional decree
issued on the 28th applying
to foreigners residing
in the towns and in
the country.

I am, Sir,

Very respectfully,
Your obt servant
Horace L. Lee
Consul General.

1 Enclosure:
No. 1 - Decree referred to.

Enclosure No. 1

With Despatch No. 73

H A V A N A , July 31,1896.

TRANSLATION.

From the GAZETTE of Havana,July 29,1896.

GENERAL GOVERNMENT of the ISLAND of CUBA.

CIVIL REGISTER.

The difficulty of communications in many places of the Island,and the trouble which may be caused to many of the foreigners residing in the towns or in the country,in coming to the capital,advise the adoption of some measure which may facilitate the inscription of those who find themselves in such cases.

For such reasons,procuring to harmonize the precepts contained in the Law relating to Foreigners of the 4th of July,1870,and the law and regulations of the Civil Register of 1884,and in use of the faculties with which I am invested, I have decreed as follows:

1st:-Foreigners residing outside of Havana,shall ask of the civil Authority of the town in which they may wish to establish themselves or continue to reside,their inscription in the Register of Foreigners;to which end they shall deliver to the said Authority the necessary documents,according to each case, and the civil Authority shall forward them,through the regular channel,to this general Government,where the inscription will take place after examination of such documents, which will be returned to the parties interested,who can also ask for certificates of these inscriptions,issued in accordance with the form and provision of the law of the Civil Register and regulation for its application.

2nd:- The documents referred to in the previous paragraph,are those pointed out by the same provisions of the law relating to Foreigners and of the civil Register,viz: a certificate issued by the Consulate of their nation as regards foreigners by birth,and as for the naturalized foreigners, besides that document,the certificates referred to in article 74 of the regulation for the application of the law of the civil Register,published in the GAZETTE of HAVANA of the 15th instant.

3rd:- The civil authorities,upon forwarding said documents,shall take care in each case,to report to this general Government regarding the provisions of articles 77 and 87 of the above mentioned regulation,and to observe in all the inscriptions the requirements of article 6th of the law of the civil Register.

4th:- The right granted to foreigners residing outside of Havana,by paragraph first of this Decree,does not prevent them ,by waiving it,from verifying their inscription in person at the Register of the general Government,and in all cases foreigners arriving in the Island of Cuba, and who may land at the port of Havana,after the publication of this Decree,must inscribe themselves in said Register.

HAVANA,28th July,1896.

VALERIANO WEYLER,

GOVERNOR GENERAL.

Enclosure No. 1
With Despatch No. 73.
Habana July 31. 1896

GACETA DE LA HABANA
Miércoles 29 de Julio de 1896

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

Registro civil.

La dificultad de comunicaciones en algunos lugares de la Isla, y los inconvenientes que pueden tener muchos de los extranjeros residentes en poblaciones ó en el campo, para trasladarse á la capital, aconsejan alguna medida especial que facilite la inscripción de los que se hallaren en esos casos.

Por esas razones, procurando harmonizar los preceptos contenidos en la ley de Extranjería de 4 de Julio de 1870 y la ley y reglamento del Registro civil de 1884, y en uso de las facultades que me competen, he tenido á bien disponer:

1º Los extranjeros que residan fuera de la Habana, podrán pedir á la Autoridad civil del pueblo en que quieran establecerse ó seguir residiendo, su inscripción en el Registro de extranjero, á cuyo fin entregarán á dicha Autoridad los documentos que sean necesarios, según los casos; y la Autoridad civil, por el conducto reglamentario, los remitirá á este Gobierno general, donde se verificará la inscripción después de examinados aquéllos, devolviéndose todos á los interesados, quienes pueden pedir también las certificaciones de estas inscripciones que se expedirán en la forma y con los requisitos prevenidos por la ley del Registro civil y reglamento para su ejecución.

2º Los documentos á que se refiere el párrafo anterior, son los que marcan esas mismas disposiciones de la ley de Extranjería y del Registro civil, ó sean: certificado expedido por el Consulado de su nación para los extranjeros de nacimiento, y para los naturalizados, además de ese documento, las partidas á que se refiere el articulo 74 del reglamento para la ejecución de la ley del Registro civil, publicado en la GACETA DE LA HABANA de 15 del corriente.

3º Las autoridades civiles, al remitir dichos documentos, tendrán cuidado en cada caso, de informar á este Gobierno general respecto á los particulares que contienen los artículos 77 y 87 del reglamento mencionado, y de observar en todas las inscripciones los requisitos del artículo 6º de la ley del Registro civil.

4º El derecho concedido á los extranjeros residentes fuera de la Habana, por el párrafo primero de este Decreto, no obsta para que puedan, renunciando á él, verificar su inscripción personalmente en el Registro del Gobierno general, y de todos modos tienen que verificarlo en este Registro los extranjeros que lleguen á la isla de Cuba, después de la fecha de la publicación de este Decreto, y desembarquen en el puerto de la Habana.

Habana, 28 de Julio de 1896.

El Gobernador general,

Valeriano Weyler.

File

ASSISTANT SECRETARY
AUG 5 1896
DEPARTMENT OF STATE.

No. 74.

INDEX BUREAU
RECD.
AUG 4 1896
DEPT. OF STATE

U.S. Consulate General
Havana, Aug. 1st, 1896.

Mr. Lee

to the

Department of State.

Acknowledging receipt
of and confirming telegrams.

No. 74.

U.S. Consulate General.
Havana, Aug. 1st 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I have the honor to acknowledge the receipt of your cypher telegram of the 28th ultimo reading:

"Referring to your
"number fifty eight
"of eighteenth instant
"do you think the
"Commercial agents
should

"should be made
"full consuls and
"would such change
"affect our good relations
"with Captain General?
"Do American
"interests require the
"change or can functions
"denied those agents
"by Weyler, be promptly
"discharged by you
"in the way suggested
"by the Captain General?

To which I replied under date of yesterday, July 31, as follows:

"Making Consuls
"of Commercial agents
gives

"gives more prompt
"protection to American
"interests. Can
"not show change
"affects our relations
"with Captain General
"Reply has been
"delayed to consider
"question."

And confirming same,

I am, Sir,

Very respectfully,

Your obt servant,

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
AUG 5 1896
DEPARTMENT OF STATE

No. 75.

INDEX BUREAU
RECD.
AUG 4 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, Aug. 1, 1896.

Mr. Lee
to the
Department of State.

Referring to Department's instruction No. 8, of the 10th June, relative to Mr. Russell Montgomery.

No. 75.

U.S. Consulate General,
Havana, Aug. 1st, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's instruction No. 8, of the 10th June, and enclosures, asking for information relative to the whereabouts of Mr. Russell Montgomery, who it is believed may be in Cuba, I have

to

to state: that notwithstanding the inquiries I have made in different directions to ascertain something concerning him, I have so far been unsuccessful.

Should, however, events show that he is in this Island, and may require at any time consular intervention in his behalf, I beg to assure the Department, and his anxious friends, that his interests will be promptly and efficiently looked after.

I

am,

am, Sir,

Very respectfully,

Your obt ~~servant~~

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
AUG 8 1896
DEPARTMENT OF STATE.

No. 76.

U. S. Consulate General.
Havana, Aug. 3, 1896.

INDEX BUREAU
RECD.
AUG 8 1896
DEPT. OF STATE

Mr. Lee
to the
Department of State.

Withdrawal of Spanish protection from estate "Teresa" at Manzanillo.

1 Enclosure.

2D ASSISTANT SECRETARY.
Rood 20
AUG 8 1896

Mr. Rockhill:

This has an important bearing on the question of liability.

Weyler's proposal that the owners of plantations wage guerrilla war against the insurgents in their own defence (for that is about the size of it) is not only withdrawal of protection but the imposition of a condition at variance with the first principles of Int'l law.

No. 76.

U.S. Consulate General.

Havana, August 3d 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I have the honor to report that having on the 1st instant received a telegram from our consul at Santiago de Cuba, to the effect that the Government had withdrawn the garrison of the "Teresa" estate at Manzanillo, valued

valued at two million dollars, belonging to Messrs. Rigney & Co., of New York, leaving thereby the said estate exposed to a total loss, I immediately addressed a note to the Captain General asking for information on the subject, and to-day I have received his answer, 1/ copy - translation of which I beg to submit, herewith, to the Department.

I am, Sir,

Very respectfully,

Your ~~obedient~~ servant

Consul General.

1 Enclosure:

No. 1 - Translation referred to.

Enclosure No.1.

With Despatch No.76.

H A V A N A , Aug.3,1896.

TRANSLATION.

The General in Chief of the Army of Operations of the Island of Cuba salutes the Consul General of the United States and has the honor to inform him in answer to his courteous note of yesterday, that it being necessary to apply to the active service of the campaign the forces which have been guarding the plantations, the latter have remained without any fixed garrison, but the owners of estates are authorized to keep on their own account any armed force which they may deem convenient, after compliance with the proceedings set forth in the circular dictated to that effect; the General having, besides, ordered the columns of the army to protect them as far as the preferent service of the campaign may permit it.

Lieutenant General Weyler, Marquis of Tenerife, avails himself of the occasion to reiterate to Mr. Fitzhugh Lee the assurances of his esteem and distinguished consideration.

Havana, August 2, 1896.

Com. Bur.

File

ASSISTANT SECRETARY
AUG 8 1896
DEPARTMENT OF STATE.

No. 77.

INDEX BUREAU
RECD.
AUG 8 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, Aug. 5, 1896.

File

Mr. Lee

to the

Department of State.

Reproduction of the Captain General's decree of the 26th July offering reward for capture of filibuster expedition, transmitted with despatch 69, on account of the omission of certain words in the second article of same.

No. 777.

U.S. Consulate General.
Havana, August 5, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to my despatch No. 69 of the 29th ultmo., transmitting translation of a decree of the Governor General offering reward for the capture of filibuster expeditions, the second article of which exempted from all kind of responsibility the

the master of any vessel, who might surrender or give up, in other words betray, any such expedition, I have now to inform the Department that the said decree has been reproduced, on account of the omission of the words "and crew", when first promulgated, and now reads:

"Art II - The master "and the crew of any "vessel that may be so "captured shall be exempt "from all kind of "responsibility."

I am,

I am, Sir,

Very respectfully,

Your ~~obedient~~ servant.

Wilson Lee

Consul General.

Enclosure No. 1
With Despatch No 74
Habana August 5, 1896

GACETA DE LA HABANA

Martes 4 de Agosto de 1896

PARTE OFICIAL

ADMINISTRACION GENERAL

GOBIERNO GENERAL DE LA ISLA DE CUBA

DECRETO

Competentemente autorizado por el Gobierno de S. M., vengo en decretar lo siguiente:

Artículo primero.—A todo individuo que facilite á nuestros cruceros de guerra el apresamiento de cualquier buque de vapor con una expedición filibustera, se le gratificará, por el Tesoro de esta Isla, con la suma de veinticuatro mil pesos en el acto que se realice la presa; y con la de nueve mil pesos por cada embarcación de vela de más de doscientas cinco toneladas en iguales circunstancias que la anterior.

Artículo segundo.—Quedan exentos de toda clase de responsabilidades el capitán y la tripulación del buque que sea apresado.

Habana, 26 de Julio de 1896.

Valeriano Weyler.

For. Treaty
Aug. 13.

No. 78.

INDEX BUREAU
REC'D.
AUG 11 1896
DEPT. OF STATE

U. S. Consulate General.
Havana, Aug. 5, 1896.

Mr. Lee

to the

Department of State.

Referring to the Department's instruction No. 14 of the 18th ultimo, relative to the sale of certain scow barges to parties in this Island.

1 Enclosure.

No. 78.

U. S. Consulate General.
Havana, Aug. 5, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

With reference to the Department's instruction no. 14 of the 18th ultimo, and the despatch of this office no. 3001, relative to the sale of certain scow barges to parties in this Island, and the request of the Treasury to forward

their

their surrendered registers, I have the honor to state that, notwithstanding my efforts to obtain them, I can only transmit, in addition to the three already sent, that of the "Miami," which I accompany.

The "Avona" and "Vitria" were in Caibarien in Nov. 1872, and cleared for Havana in Janry. 1873, but did not report at this office. I understand that the vessels have all been transferred to Spanish subjects, and no attention has been paid

paid to surrender or
procure their registers,
consequently cannot now
be recovered.

I am, Sir,
Very respectfully,
Your ~~obedient servant~~,
[signature]
Consul General

1 Enclosure:
No. 1 - Register referred to.

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE.

INDEX BUREAU
RECD.
AUG 17 1896
DEPT. OF STATE

No. 79.

U.S. Consulate General.

Havana, Aug. 11, 1896.

File

Mr. Lee

to the

Department of State.

Relating to the food furnished to American citizens under confinement in the fortresses and jail of this city.

1 Enclosure

Com. Bur.

Substance of endorsement might be sent to the person at Key West who made the inquiry.

V.K

No record of the name of the inquirer.

No. 79.

U.S. Consulate General.
Havana, Aug. 11, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to an unofficial letter received from Mr. Rockhill accompanying copy of a letter from a citizen of Key West, Florida, respecting the food furnished to the American prisoners of the "Competitor" under confinement

confinement in the
fortresses and jail of
this city, I have to
inform the Department
that on the 5th instant
I again called the
attention of the Governor
and Captain General
to the subject and have
received his reply, of
which I accompany
herewith a copy-trans-
lation.

I am, Sir,
Very respectfully,
Your obedient Servant,
Fitzhugh Lee
Consul General

1 Enclosure: Translation referred to.

Enclosure No. 1.

With Despatch No. 79

H A V A N A , August 11, 1896.

Translation.

GENERAL GOVERNMENT of the ISLAND OF CUBA.

TO THE CONSUL GENERAL OF THE UNITED STATES,

Present .

Sir:

I have the honor to acknowledge the receipt of your courteous communication of the 5th instant,in which,in compliance with an special instruction of your Government,you request that a change be made in the food furnished to the American citizens,imprisoned in the fortresses and jail of this capital, or otherwise, to be informed if there is any objection to authorize subscriptions in the United States for the purpose of purchasing,with the proceeds thereof,food for the prisoners referred to,in order that they may be supplied with same after four o'clock in the afternoon and twelve noon,the only hours in which the meals are served in those establishments.

With respect to the first part of your said official letter it becomes the duty of this Government to make known that the food supplied to the prisoners of all kinds in the fortresses and jail of this city,besides being healthy,of superior quality and well seasoned,is provided in abundance and in a varied form,the same for all prisoners,without distinction of race or nationality.

That the good conditions of such food is evidently justified in the fact ,very noticeable,that notwithstanding there

are other prisoners, national as well as foreigners of other nations besides that of which you are a most worthy representative in this Island, none of them, with the exception of the American citizens, complain of the quality or quantity of food.

The hours during which this is distributed are in conformity with the provisions of the regulations which are indispensable to the discipline and interior order of this kind of establishments, such hours being fixed after a complete preliminary study of the climatological exigencies and customs of the country, it not being possible to make any special distinction in favor of a certain class of prisoners, having, further, to add that besides the daily food or properly speaking meals, supplied in the prisons referred to, they are provided, daily, with coffee, resulting thereby that there is not such a long interval, as you have been erroneously informed, between the time during which the prisoners receive food and that notwithstanding their condition of prisoners they are supported in the same manner and hours that the generality of the inhabitants of this capital, in accordance with the customs of the country.

These considerations derived from real and positive facts, will, undoubtedly, bring to your upright and impartial attention the conviction that these complaints made to you and to the respectable Government which you represent are unfounded, and will persuade you that it is not prudent nor possible that this Government should conform itself to the proceeding referred to in the consultation contained in the second part of your respectable communication, to which is opposed, beside the serious considerations of prestige and national dignity, foundations of strict justice, connected with the interior order of penal establishments, that, in no case, nor in any country, can they

1894

be allowed privileges or concessions in favor of certain classes, which is always irritating and the cause of conflicts which the international harmony and mutual friendly relations between the Government of Spain and that of the Republic which you represent with so much prestige, should advice their [illegible] avoidance.

God guard you many years.

HABANA, 7th August, 1896.

(Signed) WEYLER.

CRANE'S

1894

ALL LINEN

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE.

No. 80.

INDEX BUREAU
REC'D.
AUG 17 1896
DEPT. OF STATE.

U.S. Consulate General.

Havana, Aug. 11, 1896

Mr. Lee

Answ. Aug. 20.

to the

Department of State.

Request of Louis Cowan Jr. for registration as an American citizen.

1 Enclosure.

No. 80.

U.S. Consulate General.
Havana, Aug. 11, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

At the request of Mr. Louis Cowan Jr., of this city, the son of Louis Cowan, a native of Havana and a citizen of the United States, I herewith transmit a petition, which he requests to be forwarded

to

to the Department, through this office, asking to be registered at this Consulate general as a citizen of the United States.

Submitting the document to the Department's consideration and awaiting its instructions in the premises,

I am, Sir,

Very respectfully,

Your obedient servant

Fitzhugh Lee

Consul General.

1/ Enclosure.

No. 1 - Document referred to.

The undersigned, Louis Cowan, Jr., a citizen of the United States of America, now residing at Habana, in the island of Cuba, respectfully represents:

1. That he is the son of Louis Cowan, who although born in Havana, in the island of Cuba, is a citizen of the United States of America, and was born so, under section 1993 of the Revised Statutes of the United States. The father of said Louis Cowan, that is to say, the undersigned's grandfather, was Wilson Cowan, born in Chambersburg, Green County, Pennsylvania. His mother was Louisa Limbaugh Cowan, born in Savannah, Chatham County, Georgia. Wilson Cowan's father was a soldier in the Revolutionary War, and Louisa Limbaugh Cowan's father was also a soldier in the War of 1812.

2. That the said Louis Cowan, Senior, the father of the undersigned, was publicly recognized as a citizen of the United States of America, and had his name, together with the name of his wife and son, that is to say the undersigned,

on the Registry of citizens of the United States of America, kept, in 1868, at the Consulate General of the United States of America, in Havana, Island of Cuba.

3. That the undersigned, together with his mother left the island of Cuba, in 1869, and went to the city of Baltimore, in the State of Maryland, of the United States of America, and remained there until the year 1874, in which they returned to Cuba.—

4. That the citizenship of the United States of America with which the undersigned is clothed, under the Statement of facts above made and the provisions of section 1993 of the Revised Statutes above referred to, seems to be indubitable and entitles him to the protection of the Government of the United States of America, whenever needed.

5. That in order to secure this protection, especially under the present disturbed circumstances of the country it is necessary for the undersigned not only to have his name registered at the Consulate General

of the United States of America in Havana, but also to have some document, voucher, or certificate of any kind, showing the fact of the said inscription, and capable of being used, whenever necessary, as evidence of the American citizenship of the undersigned.

Wherefore the undersigned prays the United States Consul General at Havana to cause his name to be entered on the Registry Rept at his office, and to provide him, furthermore, with some kind of certificate, voucher, or document whatsoever, which might be used by the undersigned as evidence of his American nationality. Should the said Consul General of the United States at Havana find himself unable for some reason to grant the petition of the undersigned, — then and in that case, the undersigned shall regret, as he does now regret in anticipation of that refusal, if the refusal is made, that the said United States Consul General of the United States

of America in Havana, should be pleased to forward this petition to the Honorable the Secretary of State of the United States of America, at Washington, in order that the high official be pleased to [illegible] such a decision in the subject as may be proper, and communicate to him the proper instructions.

Done at Havana, Island of Cuba, this (8th) Eighth day of August A.D. 1896.—

Luis Cavan y Berazaluce

Sworn and subscribed before me, this Eighth th day of [illegible] A.D. 1896.

[illegible]
Consul General.

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE.

No. 81.

INDEX BUREAU
REC'D.
AUG 17 1896
DEPT. OF STATE.

U.S. Consulate General.

Havana, Aug. 12, 1896.

To Hon H. C. Lodge Aug. 19.

Mr. Lee

to the

Department of State.

Relative to the cases of the brothers Gleau, under arrest at Sagua.

1 Enclosure

No. 81.

U.S. Consulate General.
Havana, Aug. 12, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I am forwarding to the Department Mr. Barker's despatch no. 138, relative to the case of the brothers Gleau, under arrest at Sagua, I also transmit a copy translation of the communication received at this office from the 1/

the Governor General
dated the 10th instant,
which is the last in-
formation I have upon
the subject.

I am, Sir,

Very respectfully,
Your obedient servant,

Consul General.

1 Enclosure
No. 1 - Communication referred to.

Enclosure No.1

With Despatch No.81

Havana, Aug.12, 1896.

Translation.

General Government of the Island of Cuba.

Office of the Secretary.

To the Consul General of the United States,

Present.

Sir:

His Excellency the Captain General under date of the 6th instant informs the Governor General as follows:

"Excellency: In the cases of the brothers William "A. and Louis M. Glean and others, on the charge of re- "bellion, I have ordered the inhibition in favor of the ordinary jurisdiction with respect to said Americans, and "on the 28th July last I forwarded to the Court of Ins- "truction of Sagua la Grande the corresponding copy "of referent parts of the testimony, placing said Americans "at the disposal of said Court. To the ordinary juris- "diction corresponds, therefore, to determine, according to "the responsibility which may reach them, if said brothers "can leave for the United States, as they desire, and which "Your Excellency consulted me in a courteous note of the "July last".

By order of H.E.I have the honor to transmit to you the above for your information and in continuation of my communication of the 6th of July relative to Messrs. Glean.

God guard you many years. Habana 10 Aug., 1896.

(Signed) El Marques de Palmerola.

Mr Adee
Yours sent to see this
To mo dud aug 20

Com. Bur

No. 82.

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE

INDEX BUREAU
REC'D.
AUG 18 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, Aug. 13, 1896

DIPLOMATIC
AUG 19 1896
BUREAU.

Mr. Lee
Rec'd Aug. 21
Com. Bur

to the
Department of State

AK
Sig ent
to Leg. Madrid
with Spanish
Mr Adee

Withdrawal of protection
from sugar estate "Teresa"
at Manzanillo.

2 Enclosures

2D ASSISTANT'S
AUG 19 1896

Dear Rockhill.

I know this Gen. Bosch. It is just like him!

Gen. Lee seems to have secured a partial remedy for Bosch's indiscreet and offensive action, but the fact appears to remain that American estates are discriminated against in the matters of protection avowedly because they are American-owned. Such discrimination would, under international law, establish a good claim for indemnity were American property left to destruction while Spanish-owned property adjacent to it

Mr Cridler.

Please send copy to Mr Taylor with letter as by Mr Adee's draft.

Loughborough

DIPLOMATIC
AUG 19 1896
BUREAU

rotected. Moreover,
of American prop-
esa estate would
een committed by

copy should go to
t an instruction
this Bosch matter
Spanish government,
t positive orders be
t no discrimination
can owned property

Genl Lee what
ve. Mr. Perkins's alle-
ations should be
estigated and the re-
or fixed. clab

No. 82.

U.S. Consulate General.
Havana, August 13th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

The usual daily reports of outrages committed on American citizens and injuries to their properties have been duly received since my last report on the subject.

to me which seems to
deserve more than a
passing notice.

The "Teresa" estate,
of 10.000 acres, is
situated on the coast
some 18 miles below
Manzanillo, in the
Santiago de Cuba province.
Its estimated value is
about $2.000.000, it
produces 18.000.000 lbs.
or 60.000 sacks of sugar
per annum and is
owned by Mr. Franklin
Farrel, the proprietor
of the well known Farrel
foundry, machine,
and other works in

Ansonia,

Ansonia, Conn., and
his partner Mr. Joseph
Rigney, of New York, who
lives on and manages
the estate. The latter
gentleman recently went
to New York city and
upon his return, after
an absence of 15 days,
was greatly surprised
to be informed by General
Bosch, a Spanish General
of Division with head-
quarters at Manzanillo,
and commanding that
district, that all protection
had been withdrawn
from his estate, and
that he himself would
not

not be allowed to go there.

General Bosch told him that, while he had a high respect for him personally, and that no charges of any kind had been brought to his notice, connecting him in any way with the insurgent cause, yet that the estate was "the property of North Americans", as he expressed it, and that "North America was an enemy to Spain."

There are 7 other estates along this coast, and

and from none of them has protection been withdrawn. The general statement seems therefore verified, and proves that distinctions are being made on the Island, based upon the nationality of the owners.

Mr. Rigney came here last night, and in an interview this morning states that though not being permitted to visit his estate, he is in the possession of the following facts: That the men on the place have all been driven off, the house broken into and plundered; that his own private

dwelling had not been
spared, that his furniture
and other effects have been
carried off, with all his stock,
including 900 head of cattle,
16 mules, 20 odd, horses,
mares, etc.

Previous to Mr. Rigney's
visit I had called the
attention of the Captain
General to this estate, on
account of telegrams received,
as well as on the reports of
Mr. William A. Stakeman,
the Consular Agent at the
port of Manzanillo, and
I enclose herewith a copy
of a communication received
in reply - I also have the

honor to transmit a state-
ment of the interview between
Mr. Rigney and Gen: Bosch
taken down just after it
occured.

I have seen General
Weyler on the subject,
and he has promised to
reprimand General Bosch
for his improper language,
and permits Mr Rigney
to go to his place, but
gives no hope of further
protection to the property.

I am. Sir.

Very respectfully

Your obedient servant

Fitzhugh Lee

Consul General

Two enclosures.

Enclosure No.1.

With Despatch No.82.

Havana, Aug.13,1896.

TRANSLATION.

The General in Chief of the Army of Operations of the Island of Cuba salutes the Consul General of the United States and has the honor to inform him in answer to his courteous note of yesterday that it being necessary to apply to the active service of the campaign the forces which have been guarding the plantations, the latter have remained without any fixed garrison, but the owners of estates are authorized to keep on their own account any armed force which they may deem convenient, after compliance with the proceedings set forth in the circular dictated to that effect; the general having, besides, ordered the columns of the army to protect them as far as the preferent service of the campaign may permit it.

Havana, Aug. 2, 1896.

Enclosure No.2. -
With Despatch No. 8 S.
H A B A N A , August 15th,1896.

Copy-translation.

On the afternoon of the 7th August,1896, I presented myself to his Excellency the General of the 2nd Division (Manzanillo),telling him that I had arrived from New York by the S.S."SARATOGA" for the purpose of going to my estate the Central "TERESA",of Ceiba Hueca, but that upon attempting to do so, I had been informed by the captain of the coasting steamer "ANITA",that I could not, because he had orders not to allow said vessel to touch at the said estate.

As it was my intention to proceed thither with the persons necessary to organize the preparatory labors for the next crop of 1896-97,I begged His Excellency to please give me permission to go there, and to tell me what guarantee of protection I might expect in that case,on the part of the Government. To this I was answered,that I could do so on horse-back,and that he cared little if we all went over to the enemy's camp, and that if it was my intention to undertake any preparatory work for the crop,as I had stated, it was because it suited me to do so,but that it was not within his power to furnish me the guarantee that I asked for. For this, he told me to address myself to the General in chief, who would decide on the matter and advise him here.

He also said that it had been at his request to have the troops(detachment) withdrawn,as a convenient measure; but doing exactly the contrary in the case of the estate "YSABEL" of Media Luna,where he said he was disposed to aid them in everything,increasing the fortifications of defense,as the

estate belonged to a respectable firm which aided the Governme
ment. The General declared that personally I merited his
greatest considerations,but that the North Americans were
the greatest enemies of Spain,because they were the cause of
this war and the ones who were keeping it up,and that Spain
knew how to punish her enemies,and for that he cared nothing
for the losses that they might suffer,as also he cared nothing
if the crop was taken off or not, and he believed that his
Government thought the same.

He added that he was sure that even if he put a battalion
on the place that no crop would be made,and the same would
happen on the "San Ramon",but that perhaps some security
might be offerred for the crop of Media Luna. And that he
felt so sure on the matter that he would bet me an ounce to
a dollar on it.

(signed) Joseph Rigney.

CRANE'S

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE

File

No. 83.

INDEX BUREAU
RECD.
AUG 18 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, Aug. 14, 1896.

Mr. Lee

to the

Department of State.

Case of Mr. Pedro Duarte
at Santiago de Cuba

1 Enclosure

No. 83.

U. S. Consulate General.
Havana, Aug. 14th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

With reference to my despatch no. 64 of the 23d ultimo relative to Mr. Pedro Duarte I enclose, herewith, a copy-translation of a communication received from the General Government ordering the said American citizen to 1/

to leave this Island, with
prohibition to return
to same during the existence
of the actual circumstances.

I am, Sir,

Very respectfully,

Your ~~Obedient~~ Servant,

Consul General

1 Enclosure:

No. 1- Communication referred to.

Enclosure No.1.
With Despatch No. 83.

HAVANA, Aug.13/1896.

Translation.

GENERAL GOVERNMENT of the ISLAND OF CUBA.

OFFICE OF THE SECRETARY.

His Excellency the Governor General, in the exercise of the faculties with which he is invested, and because of the reasons stated to you in a communication from the Captaincy General of the 12th June last, has been pleased to order to-day that the American citizen Mr. Pedro Duarte leave this Island, with prohibition to return to same during the existence of the actual circumstances.

Which by order of H.E.I have the honor to transmit to you informing you at the same time that under this date the proper instructions are given to the Governor of the Eastern Region and province of Santiago de Cuba, to the end that, with the knowledge of the Consul of the United States at that city, the immediate departure of said Duarte take place.

God guard you many years. Habana, 11 August, 1896.

(Signed) El Marques de Palmerola.

To the Consul General of the United States at Habana.

CONSULATE GENERAL OF THE UNITED STATES.

HABANA, August 15th. 1896.

Mr. W. W. Rockhill,

Assistant Sec. Of State.

Washington, D.C.

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
AUG 18 1896
DEPT. OF STATE.

Sir:

Yesterday two American citizens viz. Mr. James F. Quinn of Boston and Mr. Samuel Mc. Nally of New York, came to this office. They reported that they came to the Island on the steamer "Laurada", and joined the Insurgents; but having become tired of the service, had been given permission by the Insurgent Officer's to leave their lines; having done this, they presented themselves to the Spanish Officer in command at Nuevitas, that being the nearest Spanish position to the section they were serving in at that time. Being regarded by the Spanish Officials as men who had abandoned the Insurgent cause they were not incarcerated, but went to Mr. Adan, the Vice Commercial Agent of the United States at Nuevitas, asking him to assist them in getting out of the Island. Being in a destitute condition, no money and miserably clad; Mr. Adan, from his own private means, paid their passage to this point.

I transmit herewith a copy of his note to me on the subject. I succeeded in getting them health certificates, pass-ports and passages to New York on the steamer leaving that day.

I presume it was inconveinent for the Commercial Agent at Nuevitas to furnish transportation for such cases from his private means, and it was not agreeable to me, to make a personal request of the Steam Ship Officials, to transport free of cost, destitute American citizens.

I simply desire to present the matter to you in case, if a remedy can be suggested, it can be applied to similar cases in the future.

Very truly yours,

Consul General.

Copy.

VICE COMMERCIAL AGENCY OF UNITED STATES.

NUEVITAS, August IIth. 1896.

ir:

I have the honor to report to you that on the 3rd. inst. ames F. Quinn of Boston, Augustus Brotherman of Brooklyn and anuel Mc.Nally of New York, presented themselves to the Spanish overment, at this place, without arms, and in a very destitute ondition. It appears by what they say, that they came to the Island n the steamer "Laureada", in one of the expeditions that have anded from said steamer. They have been well treated by the panish Officers, never in jail, but detained for a day in the oldiers barracks. I have incurred in some expense on this account, hich I suppose I will have to bear; as in my opinion they do not ome under the clause "Destitute", therefore for future guidance n similar cases. I beg you will please instruct me how to proceed.

I remain Sir,

very respectfully your obdt. servt.

Joaq. Sanchez Adan.

Vice Com. Agt. of U.S.

itzhugh Lee, Esq.

Consul General of U.S.

Havana.

DIPLOMATIC
SEP 9 1896
BUREAU

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE

Com
File
Sent Sept 9.

No. 64

IN. EX. BUREAU
REC'D.
AUG 18 1896
DEPT. OF STATE

U.S. Consulate General

Havana, Aug. 15, 1896.

File

DIPLOMATIC
AUG 18 1896
BUREAU

Mr. Lee

to the

Department of State

Wishes Memo Sept 9. 96

Answering instruction No. 49 of the 4th instant relative to General Weyler's order respecting registration of foreigners.

1 Enclosure.

No. 84.

U. S. Consulate General.
Havana, Aug. 15, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

In compliance with the Department's instruction No. 49 of the 4th instant directing me to address the Governor General with respect to his decree of the 14th July last, relative to the registration of foreigners, I enclose

enclose, herewith, a
copy of the communication
I addressed yesterday to
General Weyler in
connection therewith.

I am, Sir,

Very respectfully

Your obt servt

Fitzhugh Lee

Consul General.

1 Enclosure:

No. 1 - Communication

referred to.

Enclosure No.1.

With Despatch No. 84

HAVANA, Aug.15,1896.

Copy.

U.S.CONSULATE GENERAL.

HAVANA,Aug.14,1896.

To His Excellency the Governor and Captain General
of the Island of Cuba.

Excellency:

In a communication from the Department of State of the United States dated the 4th instant,I am instructed to inform Y.E.that while my Government is disposed to facilitate,so far as its agencies permit,the compliance of our citizens with any convenient and reasonable requirements of registration,it cannot admit and must earnestly protest against the assumption,involved in the second article of Y.E.'s decree of the 14th July last,that by municipal enactment the spanish authorities are competent to debar any citizen of the United States from the immunities and rights which belong to him under international law and treaty in virtue of the sole fact of his alienship.

This view of the case was presented to Sr.D.Enrique Dupuy de Lome,the Spanish Minister at Washington,by the Department,wh who concurred in the opinion then expressed that the interior or municipal laws cannot modify the obligations which spring from international law. The rights of no citizen of the United States can be ignored or can any decree of outlawry prevail which attempts to deprive them of any privileges of which they are possessed by international law or by the faith of treaties. I am directed to say that my Government recognizes a certain degree of practical utility in the scheme of registration,therefore does not oppose it but will aid towards its accomplishment,but must insist that an un-registered American has an equal right with the registered citizen to "invoke

"every immunity and privilege pertaining to him under law or "treaty within the jurisdiction of Spain".

The right of the spanish authorities to require registration of citizens of the United States as evidence of their right to certain immunities while residing in Cuba is not questioned, but the Government of the United States does question the right of the spanish authorities to debar from the protection of their own Government citizens of the United States who might not have so registered, or, as the American Secretary of State expressed it to the Spanish Minister at Washington, the "status of a foreigner is under international "law inherent and neither created nor destroyed by Cuban law".

I avail myself of the occasion to reiterate to Y.E. the assurances of my highest consideration and respect.

(Signed) Fitzhugh Lee,

Consul General.

ASSISTANT SECRETARY
AUG 18 1896
DEPARTMENT OF STATE.

Asst & Consul Matanzas August 20

No 85.

U.S. Consulate General.

INDEX BUREAU
REC'D.
AUG 18 1896
DEPT. OF STATE

Habana, Aug. 15th, 1896.

Com. Bds.

Mr. Lee

to the

Department of State

Duplicate of the with of the Cop. with the V. C. will Dupl. have to be drawn.

W.L.

Referring to appointment of Mr Fred. Delgado as Vice Consul at Matanzas.

1 Enclosure

No. 85.

U.S. Consulate General.

Havana, Aug. 15, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I have the honor to transmit, herewith, a copy-translation of a communication from General Weyler in reference to the appointment of Mr. Frederick Delgado as Vice Consul at Matanzas, who is now temporarily

temporarily discharging
the duties of Consul.

It will be readily
seen that if the Governor
and Captain General of the
Island declines to recognize
the official position of
Mr. Delgado the duties
of his office cannot be
fully discharged by him.

I am, Sir,

Very respectfully
Your obedient servant,

Fitzhugh Lee
Consul General.

1 Enclosure:
No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No. 85

H A B A N A , August 15th,1896.

-99----------

Copy-translation.

General Government of the Island of Cuba.

Office of the Secretary General.

In reply to your polite note of the 6th instant, informing me that your Government had appointed Mr.FREDERICK DELGADO,a citizen of the United States,to be United States Vice Consul at Matanzas with the functions of Consul during the temporary absence of the Consul,and asking that he be authorized to discharge the duties of said office; Ihave the honor to state that I would with pleasure see this appointment revoked,for I do not consider it a suitable one, because according to my information Mr.DELGADO is a native and resident of that city,where he consequently has close and friendly relations with persons dis-affected to the cause of Spain,which might deprive him,perhaps,of the independence and liberty of action which ,as is known,every consular officer should have in the exercise of his office,especially under the present circumstances of the country; much more so, when he himself is considered as markedly affected to the enemies of Spain.

God guard you many years.

HABANA, August 12,1896.

(Signed) VALERIANO WEYLER.

To the

Consul General of the United States ofb America

in this city.

Habana,
August 17. 1896.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:

(20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON: No. 2 Royal Exchange, E. C.
No. 108 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

INDEX BUREAU DEPT. OF STATE AUG 21 1896

ASSISTANT SECRETARY AUG 18 1896 DEPARTMENT OF STATE

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
369NY CQ	SO 6pm		25 Govt	HAVANA

RECEIVED at Aug 17 1896 789

Assistant Secretary of State, Washington, DC

Referring to your number fifty-one August fifth pearce Atkinson not killed as reported was in Pinar del Rio first August

Lee.

Yours 15th received by Mail informed Aug 17

Treasury instr. Mexico 25.
Cuba

No. 86.

INDEX BUREAU
REC'D.
AUG 22 1896
DEPT OF STATE

U.S. Consulate General
Havana, Aug. 17, 1896.

Mr. Lee

to the

Department of State

Forwarding fifty copies of the "Prices Current of the Havana Cigar Factories" requested by instruction 53 of the 5th instant.

Notified individual Bureaus N.

No. 86.

U. S. Consulate General.
Havana, Aug. 17th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

In compliance with the Department's instruction No. 53 of the 5th instant I transmit by the parcels fifty copies of the "Prices Current of the Habana Cigar Factories" as requested.

The expense of same is $28.70 U.S., which will appear

appear in my account
for the current quarter.

I am, Sir,

Very respectfully,

Your ~~obedient~~ servant,

Fitzhugh Lee

Forwd General

F.

F.W.

ASSISTANT SECRETARY
AUG 22 1896
DEPARTMENT OF STATE.

No. 87.

U.S. Consulate General.
Havana, Aug. 18, 1896.

INDEX BUREAU
RECD.
AUG 22 1896
DEPT. OF STATE

Mr. Lee
to the
Department of State

Case of Mr Jorge W. Aguirre.
Transfer of the cause to
the Civil jurisdiction.

1 Enclosure.

No. 87.

U.S. Consulate General.

Havana, Aug. 18, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatches Nos. 52, 68 and 72, dated, respectively, the 15th, 27th and 30th ultimo relative to the case of the American citizen, Mr. George W. Aguirre, I now beg to enclose a copy-translation of a communication

received

received yesterday from the Captain General informing me of the transfer of Mr. Aguirre's case to the Civil jurisdiction for trial.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Colonel General

1 Enclosure:

No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No. 87

HAVANA, August 18 1896.

Translation.

Captaincy General of the Island of Cuba.

To the Consul General of the United States,

Present.

Sir:

In accord with my Judge Advocate, I have, under this date, waived the cognizance of the cause which had been instituted, on the charge of rebellion, against the American citizen Mr. George W. Aguirre Santiuste, in favor of the Court of Instruction of Jaruco, to which in due season will be forwarded the proceedings for their continuation.

I beg to inform you the above for your knowledge.

God guard you many years. Habana, 17 August, 1896.

(Signed) VALERIANO WEYLER.

NENITTW
16281

INDEX BUREAU
RECD.
SEP 4 1896
DEPT. OF STATE

COPIED FOR CONGRESS

TELEGRAM. RECEIVED. Cipher

From Havana File

August 19, 1896.

Assistant Secretary of State
Washington.
DC.

Received M.

Charles Govin landed from the "Three Friends" sixth July, joined insurgents; captured in a skirmish on the ninth with Arturo Adrian and Adolfo Mijares. They were bound and taken off. [Not] heard of them since. They are not in the fort or prisons [Prisoners must found means shooting them afterwards]

Lee.

No. 88.

U.S. Consulate General.

Havana, Aug. 18th, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I take pleasure in confirming my telegram of the 17th instant reading:

"Assistant Secretary

"of State. Washington, D.C.

"Referring to your

"number fifty one August

"fifth Pearce Atkinson

"not Killed as reported.

Was

"Was in Puiar del
Rio first August."

"The foregoing may be considered a sufficient answer to your instruction No. 51 of the 5th instant.

I am, Sir,

Very respectfully,

(Your obedient servant)

Consul General.

ASSISTANT SECRETARY
AUG 22 1896
DEPARTMENT OF STATE

No. 89.

INDEX BUREAU
RECD.
AUG 22 1896
DEPT. OF STATE

U. S. Consulate General,
Havana, Aug. 19, 1896.

Mr Lee

to the

Department of State.

Relative to the registration of foreigners is a special register opened at the office of the General Government of the Island.

1 Enclosure.

No. 89.

U. S. Consulate General.
Havana, Aug. 19th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

With reference to
my despatches to the
Department, numbers
54 and 73 of July 16th
and 31st, respectively,
and no. 84 of August 5th,
relative to the registration
of foreigners in a special
register opened at
the

the office of the General Government of the Island, I have the honor to transmit herewith a further order from Governor General Weyler on the subject, which extends the term during which said registration shall be effected, at first limited to one month, to the 31st of October next.

This extension is undoubtedly due to the many complaints that have been made: both with regard to the necessity of foreigners residing outside of Havana

Havana coming to the capital, which was changed by the decree of July 28th, and the requirements of the Government, which made the process of registration a slow one, by exacting in the cases of naturalized citizens the presentation of their certificates of birth, or baptism, and, if married, the certificates of marriage, and of birth of wife and children. During July 16 to 31, only 122 foreigners were registered by the Government here,

here, of whom only 19
were American citizens,
although within the
same period this office
had issued 270 certificates
of inscription to American
citizens for the purpose
of registration.

Several of our consular
officers in the Island,
as well as citizens living
out of Habana, have
complained to this
office of the hardships
which the exactions
for the certificates
mentioned cause them,
by the outlay for stamped
paper for petitions,
and

and for certificates,
parish church fees, etc.,
in some cases amount-
ing to ten or twelve
dollars, which cannot
well be spared by
them in their present
impoverished condition
consequent to the
circumstances of the
Island. Many also
have complied until
now with all the
requirements of the
laws respecting their
registration as foreigners,
and find it vexatious,
to say the least, to
undergo again the
trouble

here, of whom only 19
were American citizens,
although within the
same period this office
had issued 270 certificates
of inscription to American
citizens for the purpose
of Registration.

Several of our Consular
officers in the Island,
as well as citizens living
out of Habana, have
complained to this
office of the hardships
which the exactions
for the certificates
mentioned cause them,
by the outlay for stamped
paper for petitions,
and

and for certificates, parish church fees, etc., in some cases amounting to ten or twelve dollars, which cannot well be spared by them in their present impoverished condition consequent to the circumstances of the Island. Many also have complied until now with all the requirements of the laws respecting their registration as foreigners, and find it vexatious, to say the least, to undergo again the trouble

trouble of another and
unnecessary Registration.

Under the instructions
of the Department, as con-
tained in your number
49, of the 4th. instant,
I communicated to
the Governor General, as
advised in my number
84, the views of the De-
partment respecting
the said registration,
but have not yet
received an answer.

I am, Sir,

Very respectfully,

Your obedient Servant,

Consul General.

/Enclosure./

Enclosure No.1.

With Despatch No. 89.-

H A B A N A , August 19th,1896.

"Official Gazette.

GOBIERNO GENERAL DE LA ISLA DE CUBA

Registro civil.

Queda prorrogado hasta el dia 31 del próximo mes de Octubre el plazo concedido por el párrafo primero del Decreto de 14 de Julio último, á los estranjeros residentes en la Isla de Cuba, para verificar su inscripción en el Registro de ciudadanía de este Gobierno general.

Habana, 13 de Agosto de 1896.

El Gobernador general,

Valeriano Weyler.

Registro de Estranjeros

Desde el dia 16 de julio próximo pasado hasta el 31 del mismo mes se inscribieron en el Registro de Ciudadanía del Secretario del Gobierno General 122 extranjeros pertenecientes á las siguientes nacionalidades.

Cubanos de Méjico: 5 á España, 1 Suecia; 4 á Austria; 12 á Inglaterra; 13 á los Estados Unidos; 13 á Alemania; 3 á Francia; 1 á Colombia; 1 á los Países Bajos; 2 á Suiza; 17 á Italia; 1 á Uruguay; 2 á Santo Domingo; 2 á Portugal y 3 á Venezuela.

J.

TRANSLATION.

GENERAL GOVERNMENT of the ISLAND of CUBA.

Civil Register.

The period granted by the first paragraph of the Decree of 14th of July last, for foreigners residing in the Island of Cuba, to effect their inscription in the Register of Citizenship, of this General Government, is hereby extended to the 31st of October next.

HABANA, August 13th, 1896.

(Signed) VALERIANO WEYLER.

Governor General.

ASSISTANT SECRETARY
AUG 22 1896
DEPARTMENT OF STATE

Com. Bird
Scandinavian countries

No. 90.

INDEX BUREAU
RECD.
AUG 22 1896
DEPT. OF STATE

U.S. Consulate General.
Havana, Aug. 19, 1896.

See No. 79
from Habana

File

Mr. Lee

to the

Department of State.

Relative to permitting subscriptions for the "Competitor" prisoners.

1 Enclosure.

No. 90.

U. S. Consulate General.
Havana, Aug. 19, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir.

With reference to my despatch No. 79 of the 11th instant, in which I communicated to the Department the answer of the Governor General to the inquiry if funds subscribed in the United States to ameliorate

the

the condition of the
American prisoners
of the 'Competitor', in
confinement at the
'Cabaña' fortress,
might be forwarded
them to provide them
better food and ac-
commodations, I
have now the honor
to transmit a copy-
/ translation of another
communication from
General Weyler to the
effect that the Governor
of the fort has been
asked to report on
the condition of said
prisoners, and with
respect

respect to their food,
which is the same as
that supplied to all
prisoners by the municipal
authorities, they might
obtain it at their own
expense and of better
quality.

I, therefore, infer
from said communica-
tion that the friends of
the prisoners will be
allowed to transmit
their funds, either
through this office to
be delivered to them
direct, or to purchase
food to be sent them.

I am,
Sir,

Sir,

Very respectfully,

Your obedient servant,

Consul General.

1 Enclosure:

No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No. 90

H A V A N A, August 19th 1896.

Translation.

Captaincy General of the Island of Cuba.

To the Consul General of the United States,

Present.

Sir:

In answer to your courteous official letter of the 10th ultimo relative to the American prisoners of the "Competitor" imprisoned at the "Cabaña" fortress, I have the honor to state that the General Governor of said fortress has been asked to report whether it is possible to better the condition of said prisoners, and in regard to the food supplied to them I have to say that it is the same given to all prisoners, supplied by the Municipality, but as it is not obligatory on the prisoners to take it, they can try to acquire it in better conditions.

God guard you many years. Habana, 14 Aug. 1896.

(Signed) Valeriano Weyler.

ALD LINEN

1894

CHANNELS

COPIED FOR CONGRESS.

INDEX BUREAU
REC'D.
AUG 25 1896
DEPT. OF STATE

File

ASSISTANT SECRETARY
AUG 25 1896
DEPARTMENT OF STATE.

No. 91.

U.S. Consulate General.
Habana, Aug. 19, 1896.

Mr Lee
to the
Department of State.

Acknowledging receipt of and confirming telegram relative to Mr. Charles Govin, an American citizen, supposed to have been killed by Spanish troops after having been made a prisoner.

No. 91.

U.S. Consulate General.
Habana, Aug. 19th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of your telegram of yesterday's date reading:

"Newspapers
"advice from Key West
"of sixteenth states
"that Charles Govin,
"an American citizen
and

"and correspondent,
'was captured near
'Jarnco by Spanish
'troops and put to
'death. Investigate
'and report by cable."

To which I telegraphed
to-day, in answer, as
follows:

'Assistant Secretary
'of State,
'Washington, D.C.
'Charles Govin landed
'from 'Three Friends"
'6th July. Found in-
'surgents. Captured in
'a skirmish on the
'9th with Arturo Adrian
and

"and Adolfo Mijares.
"They were bound
"and taken off. Nothing
"heard of them since.
"They are not in the
"forts or prisons.
"Prisoners bound
"means shooting
"them afterwards."

I am, Sir,

Very respectfully,

Your obedient servant

Fitzhugh Lee

Consul General.

INDEX BUREAU
REC'D.
AUG 25 1896
DEPT. OF STATE

Mr. Taisan

Recd. Sept 1.

No. 92.

U.S. Consulate General.

Havana, Aug. 19, 1896.

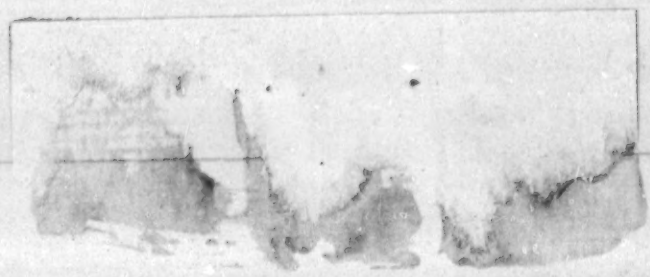
Mr. Lee

to the

Department of State.

Transmitting a petition of Mrs. Teresa Casanova de Vidal and Mrs. Rosario Casanova de la Piedra, widows of naturalized American citizens.

2 Enclosures



No. 92.

U.S. Consulate General.
Havana, Aug. 19th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to transmit herewith copy of a petition addressed to this office by Mrs. Teresa Casanova de Vidal and Mrs. Rosario Casanova de la Piedra, both widows of naturalized American citizens, formerly residents of 1/

of this Island, in
which they complain
against the order of the
Governor General of the
2/ 15th May, suspending
all proceedings and
the actions of the courts
of justice in suits for
the collection of mortgages
and other specified credits,
etc., until the 30th of
April, 1897.

This order was com-
municated to the Depart-
ment by my predecessor
on May 20th last, in
despatch no. 2983.

In this petition
I am asked to lay
before

before this Government the right of the petitioners to "free access to the courts of justice", in accordance with article 20 of the treaty of 1795.

I submit the same to the consideration of the Department and await instructions in the premises.

I am, Sir,
Very respectfully,
Your obt servant,
Consul General.

2 Enclosures.
No. 1 - Petition referred to.
" 2 - Order of Gov. Genl. of 17 May.

Enclosure No. 1.
With Despatch No. 92
H A B A N A , August 19 1896.

To the Consul General of the United States,

Habana.

Mrs.Teresa Casanova de Vidal,and Mrs.Rosario Casanova de la Piedra,both widows and citizens of the United States,and registered in that Consulate General and also in the General Government of this Ysland as such,appear before you and respectfully state:-

That they have a large amount of their property,in fact the sum of $80,000.invested in certain ground rents ("censos") on lands situated in the judicial districts of Cardenas and Colon.- That by reason of the ruin caused by the armed rebellion now existing in this Ysland,the Governor General has under date of May 15 last,issued a decree,of which a copy is annexed,by which decree the revenues of ground rents as well as of other property,are not considered due until the 30 of April of 1897: wherefore the debtors or tenants,taking advantage of said decree,refuse to make payment of the amounts due by them to your petitioners,and it is not possible to enforce their payment,because the courts of justice will not proceed in any claim whatever presented before them.

Consequently,by reason of the rebellion aforesaid,and of the decree which owes its origin thereto,we find ourselves deprived of the products of our properties,and without any legal recourse to enforce payment thereof: and therefore,as we do not consider that we can thus be deprived of our acquired rights and the protection of the law in force,we appeal to you as the representative of our nation,to lay before this Government,the right we have to the recourse of action granted us by law,or else to the corresponding indemnity for

the property,of the proceeds of which we are now deprived, as hereinbefore stated,and your petitioners will ever pray.

Habana,August 13 of 1896.

(Signed) Teresa Casanova.

(Signed) Rosario Casanova.

Enclosure No. 2

With Despatch No. 92

H A B A N A , August 19, 1896.

Translation.

BUREAU of GRACE and JUSTICE.

H.E.the Governor General,having examined the petition presented by the Circle of Planters and Agriculturists of the Island,begging for a temporary suspension of judicial proceedings against planters,applying by analogy certain precepts of the Civil and MErcantile Codes in force, and having heard the opinion of the Council General of Administration, His Excellency by an order dated 13th instant, has resolved that the approval of the Supreme Government be asked for the said order, which comprises the following clauses :

1st.- The hypothecated credits that are payable,or may fall due after this date,shall be understood as extended or postponed until the 30th of April,1897.

2nd. During the same period,the suits prosecuted for the collection of said credits,shall also remain suspended.

3rd. A similar disposition shall be applied to the collection of the interests of ground-rents (censos) due, or that may fall due from this date.

x x x

HABANA, May 15th,1896.

(Signed) VALERIANO WEYLER.

Gracia y Justicia.

El Excmo. Sr. Gobernador general, vista la instancia promovida por el Círculo de Hacendados y Agricultores de la Isla, en solicitud de suspensión temporal de procedimientos judiciales contra hacendados, aplicando por analogía determinados preceptos de los Códigos Civil y Mercantil vigentes, y oído el ilustrado dictamen del Excmo. Consejo general de Administración, S. E., por acuerdo fecha 13 de los corrientes, ha dispuesto se interese del Gobierno Supremo la aprobación del acuerdo que comprenden las siguientes cláusulas:

1.ª Los créditos hipotecarios vencidos ó que venzan desde esta fecha, se entenderán prorrogados hasta el día 30 de Abril del año próximo de 1897.

2.ª Quedarán también en suspenso, durante igual término, los juicios seguidos para el cobro de esos créditos.

3.ª Igual disposición se aplicará á los cobros de réditos de censos vencidos ó que venzan desde esta fecha y los juicios con tal motivo promovidos.

4.ª Siempre que haya bienes inmuebles embargados, ó se haya tomado anotación preventiva de la demanda en el Registro de la propiedad, quedará en suspenso durante el plazo referido toda vía de apremio que se haya principiado ó se principie para cumplir las sentencias ejecutorias recaídas en los juicios de cualquier clase.

5.ª Los procedimientos para el cobro de contribuciones, derechos reales ó créditos de cualquier clase que pertenezcan al Estado, provincia ó municipio, continuarán hasta hacerlos efectivos sobre rentas, bienes muebles ó semovientes del deudor; pero respecto á los bienes inmuebles del mismo, solo podrán continuar hasta el trámite de embargo y su toma de razón en el Registro de la propiedad, mientras no venza el plazo referido de 30 de Abril de 1897, transcurrido el cual cesarán todos los efectos de la suspensión, continuando los procedimientos por los trámites legales.

Y dispuesto también que ínterin no recaiga la resolución Superior á que se alude, rijan y se ejerciten los preceptos contenidos en el articulado transcrito, de orden de S. E. se publica en la GACETA DE LA HABANA para general conocimiento.

Habana, 15 de Mayo de 1896.

El Secretario general,

El Marqués de Palmerola.

INDEX BUREAU
REC'D.
SEP 4 1896
DEPT. OF STATE

TELEGRAM RECEIVED. Cipher.

From Havana

August 20, 1896.

Received ____ M.

Assistant Secretary of State
Washington DC

Made demand yesterday. No reply yet.

Lee

COPIED FOR CONGRESS.

INDEX BUREAU
REC'D.
AUG 25 1896
DEPT. OF STATE

ASSISTANT SECRETARY
AUG 25 1896
DEPARTMENT OF STATE

Cuba. Bud.

No. 93.

Asks authority for an expedition to effect to have it thoroughly investigated.

W.R.

U.S. Consulate General

Havana, Aug. 20, 1896.

Mr. Lee

Rec'd. Aug. 27.

to the

Department of State.

Relative to the fate of Charles Coore, one of the "Three Friends" expeditioners.

No: 93.

U.S. Consulate General

Habana, August 20 1896.

Hon: William W. Rockhill

Assistant Secretary of State

Washington

D.C.

Sir:

I have the honor to report that Manuel Fernandez Chaqueito, now a prisoner in fort "Cabañas", was in the expedition which came here on the "Three Friends", and which landed 65 men, and ammunition, under the command of Maj: Don Juan

Cowley. The expedition left Key West on the 2nd of July, and landed at Playa Guanabo, in the Habana province, on the 6th July, and joined the insurgents under Valencia. On the 9th July, Valencia had a skirmish with a Spanish column under Gen: Ochoa. Fernandez and some others were made prisoners.

I sent a representative over to the "Cabañas" to see Fernandez for the purpose of ascertaining the fate of Charles Govin, who belonged to the same expedition and was captured at the same time.

Fernandez reports that
Govin was separated from him,
with two companions, Adrian
and Mijares: That all three
were tied and afterwards
killed, as he was informed
by the Spanish soldiers.
I have seen a Cuban in
person, who told me that he
with one or two companions,
buried two men found on
the side of the road not
far from Jaruco. That
one of them was an American,
nicely dressed, and whose
collar buttons, studs and
cuff buttons had been taken
away; both had been killed
with machetes, and the ropes

finding them were still on the bodies.

I thought at the time the body of the American might have been Pearce Atkinson, whose location and fate I was then endeavoring to ascertain; but as I know now that he was in the Pinar del Rio province on the 1st August, it is possible that the body referred to, was that of Charles Govin.

At this date, I have heard nothing from him on the subject, but unless I hear today, I will make a more premptory demand for information.

I am, Sir, very respectfully
Your obt Servt
Fitzhugh Lee
Consul General.

INDEX BUREAU
RECD.
AUG 29 1896
DEPT. OF STATE

COPIED FOR CONGRESS.

No. 94.

U. S. Consulate General
Habana, August 20 1896.

Mr. Lee
to the
Department of State.

Confirmatory of telegram
received and sent.

No: 94.

U. S. Consulate General.
Habana, August 20 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D.C.

Sir:

I have the honor to
acknowledge the receipt of
your cypher telegram; viz:
" Replying your cable
" yesterday in reference
" to Charles Govin, you
" are instructed to demand
" of Captain General
" full information in

" case Govin, still alive,
" insist upon his enjoying
" full treaty rights under
" the paragraphs two or
" three of Protocol of seventy
" seven, as case may be."

And I have to confirm my telegram of this date in reply:

" Made demand yesterday
" no reply yet.

I am, Sir,

Very respectfully

Your obt. servt.

Fitzhugh Lee

Consul General.

INDEX BUREAU
REC'D.
AUG 25 1896
DEPT. OF STATE

ASSISTANT SECRETARY
AUG 26 1896
DEPARTMENT OF STATE.

File

Mr Adee.

I think this should go to the Sec.

2D ASSISTANT SECRETARY.
Ack'd by Mr + file for the present.
AUG 26 1896

No. 95

U.S. Consulate General.

Sent copy to the Secretary Aug 26 with 2 copies with Chf clerk.

Havana, Aug. 21, 1896.

Mr. Lee

Rec'd Aug. 28.

to the

Department of State.

Forwarding a proclamation issued by the Secretary of the Interior of the Cuban Revolutionary Government.

1 Enclosure

No. 95.

U.S. Consulate General.

Havana, Aug. 21st, 1896

Hon. W.W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I beg to enclose, for the information of the Department, a copy-translation of a proclamation issued by the Secretary of the Interior of the Cuban Revolutionary Government, which explains itself. 1/

As the insurgents completely

completely control the
rural sections the action
of their Government to
deprive Spain of revenue,
if strictly enforced, leaves
visible in the future only
famine and the sword.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure:

No. 1 - Proclamation referred to.

Enclosure No.1.

With Despatch No. 95

H A B A N A , August 21, 1896.

Translation.

No.681.

Considering that the insurrection has the means to make itself felt to all, and that our present situation permits us to adopt all those measures which, conducive to that end may assure the existence of the actual revolutionary movement, confirm its success and accelerate its imminent triumph, and being certain that what can only still give some encouragement to our enemies, as it is the only foundation in which they are able to base their credit and hopes, are the sugar estates, and and it being our principal object to make known to Spain, to all our enemies and to the entire world that there has been decreed, and will at all events be complied with, the resolution to the effect that next year not a single cane will be ground in the Island of Cuba: the Government Council has been pleased to modify the decree of the 15th. May last and approve the following:

RESOLVED:

Article 1.- It is hereby absolutely prohibited that any agricultural operation preparatory to the next crop such as the planting, clearing and attending to the cane fields, be carried out.

Article 2.- It is absolutely prohibited to realize the crop of 1896/97.

Article 3.- The infractors of these orders will be considered as traitors and condemned to death in the

form established by our penal laws.

Article 4.- The cane fields and Bateyes of plantations (Central and Colonias) which may cultivate their cane fields, or prepare, or attempt, or may commence to cut their cane for the purpose of grinding, or may in any way prepare themselves, or attempt, or commence, to grind, will be burned and confiscated.

Article 5.- The confiscation shall be made effective, by applying the value in full of said properties, on the day of the triumph of the revolution, to the payment of the debts which the same may have caused, and to any other purposes to which they be legally assigned.

Article 6.- In such a case the efficacy and validity of any sale, encumbrance or embargo subsequent to the decree of the 10th. May last shall not be recognized.

Article 7.- The present resolutions shall be communicated to the General in Chief in order that as a war measure he may circulate them among the chiefs of the Army and see that they are complied with; likewise they shall be propagated among the civil officials of the Republic for their guidance and that they may make them known to everybody and cooperate towards their compliance.

Article 8.- The military chief or civil employee who does not cooperate within the means in his power to the strict compliance of these resolutions, shall incur in the penalties provided by our penal laws which are about to be published.

Article 9.- These resolutions will be published in all the newspapers of the Republic and will be forwarded abroad, also shall be published in loose sheets to be profusely propagated through the enemy's territory.

I transmit you the above for your knowledge and for the purpose that it be given as much publicity as possible.

C and L. (Country and Liberty) July 28,1896.

(Signed) Dr.Garcia Cañizares.

Secretary of the Interior.

CRANE'S
1894
ALL LINEN

INDEX BUREAU
RECD.
AUG 25 1896
DEPT. OF STATE

ASSISTANT SECRETARY
AUG 26 1896
DEPARTMENT OF STATE

Copy and Enc's to Atty Gen

Cons. Bur.
T. Dept. of Justice

So ack

Inclosures to Atty Gen'l with orig. mail Aug. 28.

No. 90.

U.S. Consulate General,
Havana, Aug. 21, 1896.

Mr. Lee

to the

Department of State.

Relative to a quarrel occurred on board of the Amer. schr. "Wm. H. Swann," of Philadelphia.

1 Enclosure.

No. 96.

U.S. Consulate General.
Havana, Aug. 21st, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I have to inform the Department that on the morning of the 17th instant a quarrel occurred on board of the American schooner 'William H. Swann', of Philadelphia, Levi Collins, master, between Joseph Doran, the

the second mate, and
Beek H. Archer, the cook
and steward, as the
result of which the former
received two bullet wounds
in the head from a revolver
in the hands of the
steward. Four shots
were fired and it is
believed that two balls
penetrated the head
and still remain there.
The wounded man, who
was under the influence
of liquor, would not
allow the wounds to
be examined thoroughly
nor would he allow
himself to be sent
to

to the hospital, but remained on the ship armed with a knife or cleaver, swearing vengeance against the steward who had hidden himself, and finally became so unruly that it was necessary to arrest him by force and send him to prison, to the sick ward of which, or Aldecoa hospital, he was placed at about 5 p.m. The report of his condition yesterday is that he is improving.

The depositions of the master, mate, engineer

engineer and steward
of the vessel were taken
before me and certificates
obtained from Dr.
Burgess and the Physician
of the Prison respecting
Doran's condition. On
account of these cer-
tificates I concluded
to discharge the second
mate, expecting the
deposit of the wages due
him and a sum
sufficient to cover
contingencies, and as
the vessel was ready
for sea, I put the
steward into the custody
of the master with
instructions

instructions to deliver him, upon arrival at Philadelphia, to the U.S. District Attorney, who would be advised by mail of the matter. The vessel sailed on the 19th instant.

Certified copies of the proceedings taken by this office in the case, as well as the pistol and empty cartridges taken from the steward and several knives taken from the second mate, were sent to the U.S. District Attorney by steamer "Saratoga"

on

on the 20th instant.

I am, Sir,

Very respectfully,

Your obedient servant

Consul General.

1 Enclosure:

No. 1. Copy of proceedings referred to.

INDEX BUREAU
RECD.
AUG 25 1896
DEPT. OF STATE

No. 97.

U. S. Consulate General.
Havana, August 22nd 1896.

Mr. Lee
to the
Department of State.

Receipt of instructions
and circulars.-

No. 97.

U. S. Consulate General.

Habana, August 22nd 1896.

Hon: William W. Rockhill,

Assistant Secretary of State

Washington

D. C.

Sir.

I have the honor to acknowledge the receipt of the Department's instructions from No. 43. July 25, to No. 58. August 14th.

I have also received the following circulars:

June 23 - bills of health,

July 8 - general report for statistics,

July 14.: report for State Dept.
" 17.- correction of invoices,
Aug 6 - disinfection of rags.
all of which will receive
proper attention.

Very respectfully,
Your obt. Servant
Walter Robb
Consul General.

COPIED FOR CONGRESS
DIPLOMATIC
SEP 9 1896
BUREAU

No. 98

Dated Sept. 9.

INDEX BUREAU
RECD.
AUG 27 1896
DEPT. OF STATE

U.S. Consulate General
Havana, Aug. 22, 1896.

Mr. Lee

to the

Department of State.

Transmits Spanish Minister's Decree of 9. 96

Relative to the registration of foreigners in a special register opened at the office of the General Government of this Island.

1 Enclosure.

2D ASSISTANT SECRETARY.

SEP 8 1896

Dear Mr. Faison

The Secretary approves your amended draft, very cordially.

Adely

SOLICITOR'S OFFICE SEP 8 1896

Carefully Duncan:

ask Consul Gen'l 98 following this draft. Then send to Disp. Bureau with draft for Spanish minister. Return Mr. Adee has dispatch 98 from Havana.

W.R.D.

2D ASSIST SECRETARY
AUG 28 1896

Mr. Faison -

This argument of General Wheeler's runs in a vicious circle, and exhibits the logical fallacy termed "undistributed middle" - law being used alternately in the sense of proceedings according to justice, - and statutory enactments. The decree purports to outlaw all unregistered aliens, that is to deprive them of the resorts of justice which the treaty of 1795 stipulates, but professes to do so in virtue of Spanish law,

i.e. Statute. Hence the fallacy in arguing that no treaty rights are infringed. We made this point clear in our note to Señor Dupuy. The trouble is that Genl Lee's note to Wheeler slurred over this essential point.

Can you try your hand at a brief, terse instruction to Genl Lee and note to Señor Dupuy, of which I can send copies to the Secretary for approval?

Ad[illegible]

No. 98.

U.S. Consulate General.

Havana, Aug. 22d, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

With reference to my despatch no. 89 of the 19th instant, relative to the registration of foreigners in a special register opened at the office of the General Government of this Island, I beg to enclose a copy-translation of a communication from

from the Governor General
in answer to one from
this office dated the 14th
instant, a copy of which
I had the honor to
forward to the Department
with my despatch no. 84
of the 15th of same.

I am, Sir,

Very respectfully,
Your obedient Servant,

Consul General.

1 Enclosure:
No. 1 - Communication from
the Governor General referred to.

Enclosure No. 1.

With Despatch No. 98.

H A B A N A , August 22 1896.

Translation.

GENERAL GOVERNMENT of the ISLAND of CUBA.

To the Consul General of the

United States of America,

Habana.

Sir:-

Upon replying to your polite official note of the 14th.instant, I must begin by calling your attention to the literal text of the Decree of the 14th.July last, which requires foreigners resident in this Island to register in the special register of Citizenship which is kept at the General Government, because, in its second paragraph it says:- That "After the expiration of the term mentioned in the previous article foreigners who have not effected their inscription or registry" cannot invoke "the rights or privileges granted them by our laws", and in no wise is any allusion made to treaties existing between Spain and other nations.

From those our laws, or be it, the laws ruling in Spanish territory, the first and fundamental one in respect to foreigners, is that of the 4th.July, 1870, which regulates the rights that Spain grants to foreigners residing in the Spanish ultramarine provinces, rights that it limitedly sets forth in Art.29, and following: and among them are:-

1st. Security of person, property, domicile and correspondence, in the form established by law for Spaniards.

2nd. To meet and assemble together on those cases and under the conditions determined for Spaniards, and provided that the object is not hostile to those States with which Spain has friendly relations.

3rd. To emit and publish their ideas, in accordance with the laws ruling in the matter for Spaniards, and under the limits imposed by the preceeding paragraph.

4th. To address petitions to public powers and the authorities in the same manner as presented by law for Spaniards

Said rights, those of Articles 35 and 36, and all others that Spain grants by this or any other law to the foreigners to reside in her ultramarine possessions, shall not be claimed by any but foreigners registered in accordance with what is ordered in Article 7 of the same Law relating to Foreigners and to them is applied the Decree of the 14th. of July last.

But now in treating on this subject, I must make a distinction between those foreigners by their own right, born abroad; the children and wife of a foreigner, and those others who having been born Spaniards, have changed their nationality. Because, if to the former, whenever they are not registered, alone may be denied the aforesaid rights, the latter, in that case, and whilst they live in Spanish territory, have no means to allege their status as foreigners.

Spain does not investigate the acquisition of a foreign citizenship, and always accepts as valid that conferred by a friendly nation, and never disputes it, but the Spaniard

the Spaniard who continues to reside in Cuba, if he wishes to be considered as a foreigner, must comply at least with the requirement of the inscription or register, which is but the manner of informing this Government that he has ceased to belong to it, and has embraced another flag.

It is conclusively stated in Article 73 of the Regulations to carry out the Law of Civil Register of 1884, a law of which one who has been a Spaniard cannot allege ignorance:- "Change of nationality shall produce le- "gal effects in the Island of Cuba and Porto Rico, only "from the day on which they may be entered in the special "Register which shall be kept at each of the General Govs "ernments of said Islands".

As you will observe, my Decree of the 14th. July, has been adjusted strictly to the written law, and in no wise alters the principle that a law of interior order cannot derogate treaties and international laws.

On the contrary it strengthens the universal principles of that branch of Law, when it solely refuses to foreigners not registered, those rights which it is in the power of the Government which offers him hospitality, either to grant or deny them, according as those who accept that hospitality comply or not with the laws of interior order, and which, as regards naturalized foreigners, warns them, because thereto sanctioned by a law of 1884, unfortunately forgotten till the present, that unless so inscribed, they shall not be considered as such foreigners whilst they continue to reside in Spanish territory.

You will have also observed that means have been provided for the register of foreigners, by dictating measures for those who reside in places remote from the

Capital, and extending until the 31st. October, the term of one month ~~immunity~~ which expired on the 14th. instant, but if I am to submit my acts of Governor to the strict standard to which they correspond, I must exact the registrations of all foreigners residing in this Island, and maintain my decree of July 14th. last, in the form explained.

I am convinced that you, who have so discreetly taken measures to assist in my purpose to keep in the General Government a register of foreigners, and for which I tender my best thanks, will no doubt recognize the right I have in the matter and will furnish to your Government the explanations you deem ~~desire~~ most pertinent, and meanwhile I reiterate the assurances of my most distinguished consideration.

God guard you many years.

Habana, August 18th. 1896.

(Signed) Valerino Weyler

1894
ALL LINEN

INDEX BUREAU
REC'D.
AUG 29 1896
DEPT. OF STATE

No. 99.

U.S. Consulate General,
Havana, Aug. 26, 1896.

M. Lee
Consul.

to the
Department of State.

Relative to the food
furnished to the prisoners
at "La Cabaña".

1 Enclosure.

Other treatment Suggesting

Continue to urge, that no
ground for disobedience
to Proclamation of President
armed expedition
against ~~Cuba~~ Cuba should
not be provoked
by ~~Spain~~ treatment
of American Suspects in
prison. Exceptionally good treatment
of Americans imprisoned in
Cuba the
will much enforcement
of Law against armed
much less difficult
Expedition ~~easy to suppress~~
WWB

ASST. SECRETARY
AUG 31 1896

No. 99.

U. S. Consulate General.

Havana, Aug. 26th, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D. C.

Sir:

I have seen this morning a specimen of the rations issued to the American prisoners at fort "Cabaña."

The food for each prisoner is placed in a little deep part of dish, and is called "Rancho",

"Rancho", it originally consisted of ham, pork, Spanish sausage, peas and potatoes, all mixed up and cooked together. Now it is much thinner and is, I think, nothing but a pint of rice. This food is furnished from the jail on this side of the harbor, I think, by contract, and the contractor is making more money than he should properly, by diminishing the quantity and quality of the food. These provisions are received at the "Cabaña" on the other side of the harbor

harbor, every evening
at 4 o'clock and every
morning at 12, there is
nothing else given to them
at any other time, not
even coffee.

I have repeatedly
called the Captain General's
attention to the matter,
and his reply invariably
is, that the American
prisoners fare is no
better or no worse, than
that of any other prisoners,
and that he can make
no exceptions in their
case, also that coffee
is regularly furnished
them.

If

Of the statement of the prisoners can be relied upon; the Captain General is not stating a fact, which may be owing to the report of the jail authorities to him.

I have at last succeeded in securing General Weyler's consent to money being paid by the prisoners to purchase additional food for American prisoners, in the Sutler's store, at the "Cabaña", or here in Habana. Perhaps it would be well to let the "press" of the United States

States know, that if money be raised, by friends of the American prisoners, it could be expended in their interests.

The six "Competitor" prisoners are in a cell with 20 others. The cell is damp and the accumulation of water on the floor is great enough to require it to be frequently sponged up. This matter has been called to the attention of the Captain General, and he has promised to remedy it, but so far has not done so.

In

In connection with the subject of the rations furnished the prisoners I have the honor to enclose the translation of an item which, 1/ appeared in El Paso of Yesterday.

I am, Sir,

Very respectfully,

Your obt. servant

Consul General.

1 Enclosure

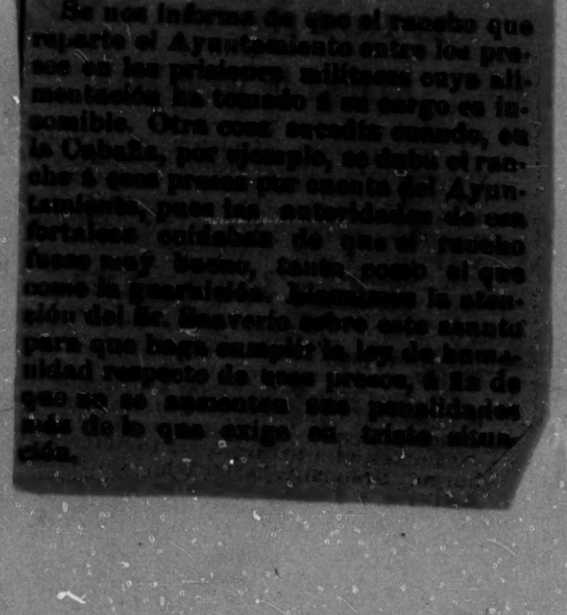
No. 1- Translation referred to.

Enclosure No. 1
With Despatch No. 99.
H A V A N A , August 26th, 1896.

TRANSLATION.

From EL PAIS of Habana, Aug. 25, 1896.

We are informed that the rations distributed by the City Government among the prisoners at the military prisons, the supply of which it has taken in charge, are not fit to eat. It happened otherwise when in "La Cabaña", for example, rations were furnished to the prisoners for account of the City Government, for the authorities of that fortress took care that the rations should be as good as that furnished to the garrison. We call the attention of the Alcalde (Mayor) Saaverio to the subject, that he may compel the observance of the law of humanity towards these prisoners in order that their punishment may not be increased more than is demanded by their unfortunate situation.



ED FOR CONGRESS
RECORD
AUG 29 1896
DEPT. OF STATE

2D ASSISTANT SECRETARY.
AUG 29 1896

No 100.

U. S. Consulate General.
Habana, August 26 1896

Mr Lee
to the
Department of State.

Rec'd Sept 3.

Further particulars regarding Charles Govin.

One enclosure.

[redacted]

No: 100.

U. S. Consulate General,
Habana, August 26 1896

Hon: William W. Rockhill,
Assistant Secretary of State,
Washington.
D. C.

Sir:

I have the honor to report, that yesterday I again sent a representative (to fort "Cabañas.") to have another interview with Manuel Fernandez Chaqueilo, desiring to get all the information I could about the fate of Charles Govin.

× × × The prisoner was brought out to the outer guard-house, and there my representative talked to him alone.

× × × Fernandez states, (as reported before, that he and Govin were members of the same expedition of 65 men, under Maj: Don. Juan Cowley, which left Key West on the 2d July, and landed at Playa de Guanabo on the 6th of July. The men all joined the insurgents, under Valencia, which gave him a command of about 150 men. Three days afterwards for the 9th of July, - Valencia had a skirmish with the Spanish

General Ochoa, whose force he estimates at about three or four hundred men; in this skirmish Fernandez was captured and when taken by his captors to the main Spanish column, found Govin there, a prisoner too, - this occurred about 4. P. M.

Fernandez and Govin were then tied together, and in that condition, took dinner and slept together, at a place called San Matias, a small town between Jaruco and the coast, - very near the coast. Jaruco is on a line of

railroad between Habana
and Matanzas. The next
morning, — July 10th — Govin
and Fernandez were untied,
Govin was again immediately
bound with Arturo Adrian
and Adolfo Minyares, these
three tied together were
then taken off by the Spanish
infantry.

Fernandez was then bound
with Florindo Martinez,
José del Carmen Martinez,
A. Acosta, Rufo Govantes
and Tomas Ayon, all
were taken by Spanish
cavalry to Jaruco, and
placed in the jail of that
place. On the same

afternoon, while in jail, Fernandez learned from the soldiers that Govin had been killed.

Of the 5 prisoners tied with Fernandez and brought to Jaruco with him, 3 are in "Cabaus", and 2 have been released

I transmit this statement obtained by my representative from Fernandez, that it may be compared with any other information the Department has on the same subject.

In my opinion, Govin was "lost" by that infantry column, because he claimed to be an American citizen,

and an American newspaper correspondent. His acknowledgement of such combination had an effect very different from what he hoped. The red flag was shaken in front of the Spanish ball.

Whether this murderous act was committed by the order of any one, or allowed by sufferance, I have demanded of the Governor General, that the officer commanding the infantry which carried Charles Govin and other american prisoners from Matias, on the morning of July 10th last, be required to account for his prisoner, by producing him,

if living, or report the cause of his death.

I have the honor to enclose herein, my communication to the Governor General, in reference to the American citizen, Charles Govin.

I am, Sir.

Very respectfully

Your obedient servant.

Consul General.

Enc enclosure:

Consul General Lee to the Governor General, Aug 26 1896.

Enclosure No.1.

With Despatch No. 1 0 0.

H A B A N A , August 26th,1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, August 26th,1896.

To His Excellency the Governor General of the Island of Cuba, etc, etc,

Excellency:

Having been informed in a communication dated the 21st August by the Secretary General,that you have referred a previous communication concerning the American citizen, Mr.CHARLES GOVIN, to the Captain General who will remit to you the data requested,and in order to aid your efforts in this direction,I beg to inform Y.E. that I have information which may or may not be correct,but if correct,should be followed up in order to secure the necessary information as to the fate of CHARLES GOVIN. It is certain that the American public now believes that GOVIN was captured,tied, and afterwards killed. It seems to me to be the duty of both of us to remove that impression if the information upon which it is based is false. I hear that GOVIN was captured in a skirmish on the 9th of July,between the Spanish troops under General OCHOA and th insurgents under VALENCIA at a point north of Jaruco,and near the coast; that the Spanish General OCHOA having in charge the captured GOVIN and other prisoners encamped that night,namely the 9th July,at San Matias. I am further told that next morning,--the 10th July,--GOVIN , bound to two men,named respectively ARTURO ADRIAN and ADOLFO MIYARES, were taken off by the infantry portion of OCHOA'S command. The commanding officer of that detachment is responsible for the prisoners of war committed to

his care,and should be required to produce,or account for GOVIN,if living,or if not ,report the mode and manner of his death.

I take this opportunity to reiterate to Y.E. the assurances of my most distinguished consideration.

(Signed) FITZHUGH LEE.

Consul General.

CRANE'S
1894
ALL LINEN
CRANE'S

No. 1 0 1.

U.S.CONSULATE GENERAL.

H A B A N A , August 26th,1896.

Mr.LEE

File

to the

Department of State.

-----o----

Claim of Mr.ANDRES L.TERRY. His agent here has been advised of substance of instruction No.40.

-----o----

No. 101.

U.S.CONSULATE GENERAL.

HABANA, August 26th,1896.

Hon: WILLIAM W.ROCKHILL,

Assistant Secretary of State,

Washington. D. C.

Sir :-

With reference to your instruction No.40,of the 21st ultimo,respecting the claim submitted by Mr.ANDRES L.TERRY,for losses,damages and injuries to his property and interests in Cuba, I have to inform the Department, that as both Mr.ANDRES L.TERRY and his Son and attorney, Mr.ANDRES A.TERRY,are now absent from the Island,the substance of the Department's instruction has been communicated to Mr.Terry's legal representative in this city, Mr.FELIPE DIAZ ALUM.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

No.1 e 2.

DIPLOMATIC
SEP 2 1896
BUREAU.

INDEX BUREAU
REC'D.
AUG 25 1896
DEPT. OF STATE

Gty Ltr Parker
Consulate
No 38 of Aug 19/96
Sept 4, 1896, M.

U.S.CONSULATE GENERAL.

H A B A N A , August 26th,1896.

Mr.LEE

to the

Department of State.

-----o-----

U.S.Consul at Matanzas will protect as far as possible the property of Dr.ZANETTI, a Swiss citizen, in case of need.

-----o-----

No. 1 0 2.

U.S.CONSULATE GENERAL.

H A B A N A , August 26th,1896.

Hon:-WILLIAM W.ROCKHILL,

Assistant Secretary of State.

Washington. D. C.

Sir:-

Referring to the Department's instruction No.35,of 15th July,last,relative to the request of the Chancellor of the Swiss Confederation,that protection may be extended by this office to Dr.ZANETTI,a Swiss citizen, I have to state,that as Mr.ZANETTI'S interests are situated in Matanzas, I wrote to the U.S.Consul at that place on the subject,and received his reply to the effect that he would protect Dr. ZANETTI'S property as far as possible,and give timely report of anything that may occur in connection therewith.

I am, Sir,

Very respectfully,

Your obedient servant,

Consul General.

INDEX BUREAU
RECD.
SEP 16 1896
DEPT. OF STATE

Consulate General of the United States.

File

Habana, August 26th 1896.

Hay & Mr Rockhill -

Accustomed to getting information in various ways, I have succeeded in getting some of the machinery necessary to do it here.

This morning I heard that Weyler's departure from the Island had been ordered & that it might take place as early as the 30th inst. - who succeeded this Gen by Gen Primo de Rivera - This comes from personal near the Throne"

Weyler has caused the papers here to say that he intends in the near future to issue a proclamation prohibiting the planting of Cane anywhere on the Island. He says much of the money supplied to the Insurgents comes from planters Habana merchants &c - The Insurgents have issued a similar proclamation. Macéo's Second in command crossed the Trocha last Thursday with [illegible] seven hundred men - Weyler goes perhaps as early as the 30th - & is succeeded by the person above named. I repeat to day this information

comes direct from the Marquis Asseglesia the President of the United Cerro Ti Lutchuat party here & a Leading Light in the Councils, but you cannot believe much here you see if you

Gorin was murdered after capture & as a prisoner of War. but Heyler does not acknowledge a state of war. & yesterday probably further reply to me will embody a statement from the Queen in the suit. that he knows nothing of the facts, but supposed all prisoners had been duly formally for confinement &c

Send you "Don Quixote"

Yours truly

Wm Sprague

ASSISTANT SECRETARY
SEP 1 1896
DEPARTMENT OF STATE.

No. 103.

U.S. Consulate General.

Havana, Aug. 26, 1896

INDEX BUREAU
REC'D.
SEP 1 1896
DEPT. OF STATE

Rec'd Sept 3.

Mr. Lee

to the

Department of State

Relative to a placard placed in the walls of the guard roome of the "Cabaña" fortress.

1 Enclosure.

Case - Burr

Ark. 102 and 204
not approve of Gen.l
Lee's action, the order
of the Capt. Gen.l to remove
such a placard should it
be found to exist, implicitly
shows that he considered Lee
improper.

WR

No. 103.

U.S. Consulate General.
Havana, Aug. 26, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir

I beg to enclose a copy of a communication I addressed yesterday to the Captain General in connection with a placard, which I am informed has been placed on the walls of the guard room at "La Cabaña" fortress, directing

directing the officer in charge, in case the Consul General of the United States visits that port to arrest or detain him and bring him before the General commanding there.

I am, Sir,

Very respectfully.

Your obedient servant

Fitzhugh Lee

Consul General.

1 Enclosure:

No. 1 - Copy referred to.

Enclosure No. 1

With Despatch No. 103.

H A V A N A , August 26th,1896.

COPY-TRANSLATION.

U.S.Consulate General.

Havana,Aug.25,1896.

To His Excellency the Captain General of the

Island of Cuba.

Excellency:

I am informed that there is a notice or placard on the walls of the guard room at "La Cabana" fortress, directing the officer in charge, in case the Consul General of the United States visits that fort to arrest or detain him and bring him before the General commanding there.

Shortly after my arrival here I visited the fort on "visitors' day" in company with the former Consul General, Mr.Williams,and at his invitation,not knowing that an order or regulation excluded foreigners from making such visits. I heard afterwards that the subordinate officer in charge that day had been severely reprimanded or punished on account of the visit of Mr.Williams and myself. I suppose,therefore,

that the notice to which I call attention was posted in a conspicuous place to prevent a repitition of such visits.

But as I do not propose to knowingly violate law or military regulations, I respectfully submit that said notice is calling attention to me too conspicuously.

I respectfully suggest that if it is thought necessary for the proper observance of the regulations in force to have a notice constantly before the proper officer, that the words "all foreigners" should be substituted for the phrase "Consul General of the United States".

I have the honor to be,

etc. etc.

(Signed) FITZHUGH LEE

Consul General.

ASSISTANT SECRETARY
SEP 1 1896
DEPARTMENT OF STATE

No. 104

INDEX BUREAU
REC'D.
SEP 1 1896
DEPT. OF STATE

U.S. Consulate General,
Havana, Aug. 28, 1896.

Mr Lee
to the
Department of State

Rec'd Sept. 3

Relative to a placard,
which I am informed,
has been placed at the
"Cabaña" fortress.

1 Enclosure.

No. 104

U.S. Consulate General.
Habana, Aug. 28th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

With reference to my previous despatch No. 103 of the 26th instant enclosing a copy of a communication & addressed the Captain General in connection with a placard which I was informed had been placed on the

walls of the guard room of the fortress "Cabaña", alluding to the Consul General of the United States, I now beg to transmit, herewith, a copy-translation of the Captain General's answer, which explains itself.

I am, Sir,

Very respectfully,

Your ~~obedient servant~~,

Fitzhugh Hall

Consul General.

1

1 Enclosure:

No. 1 - Answer referred to.

Enclosure No. 1

With Despatch No. 104

HAVANA, Aug. 28, 1896.

TRANSLATION.

ARMY OF THE ISLAND OF CUBA. CAPTAINCY GENERAL.

In answer to your communication of this date I have to say that I have no information that any placard has been placed in the walls of the guard room of the Cabaña fortress nor in any other place of said fort, of the nature to which you refer; but taking into consideration your said communication I have given orders to the effect that should such a placard exist, to have it disappear.

God guard you many years. Havana, 26 August, 1896.

(Signed) Valeriano Weyler.

To the Consul General of the United States.

Returned from Secretary's room to the files Oct 21, 1896 JM

ASSISTANT SECRETARY
SEP 1 1896
DEPARTMENT OF STATE

No. 105.

U. S. Consulate General

INDEX BUREAU
REC'D.
SEP 1 1896
DEPT. OF STATE

Habana, August 28 1896.

Mr. Lee

to the

Department of State.

Transmitting decree establishing forced circulation of Spanish bank notes.

Two enclosures.

No. 105.

U. S. Consulate General.

Habana, August 28 1896.

Hon: William W. Rockhill,

Assistant Secretary of State,

Washington.

D. C.

Sir:

I transmit herewith copy and translation of the decree issued by the Governor General establishing the forced circulation of notes of the Spanish Bank of this Island. 2/

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

2 enclosures.

Enclosure No.1.

With Despatch No. 1 0 5.

H A B AN A, August 28th,1896.

Translation.

OFFICIAL "GAZETTE".

In compliance with what is ordered by clause 7, of the Royal Order of the 8th of June,last,which is inserted in continuation ;

I HEREBY ORDER and COMMAND,

1st.-- That from the publication of this decree,the circulation and acceptance of the notes of the Spanish Bank of this Island shall be obligatory,as if they were gold,with full valid effect in all payments, excepting those that correspond to the tariff and transitory duties,which constitute the Customs revenue, and the special tax to be established according to Rule 8 of the said Royal Order of June 8th,the proceeds of which shall be applied to the redemption of said banknotes, and these payments shall be made strictly in gold coin.

2nd.---- In all transactions,including bills of exchange drawn in this Island or payable here,prices shall be understood as expressed in banknotes,the acceptance of which shall be obligatory.

3rd.--- The violators of this Decree shall be punished according to each case,under the penalties prescribed by the Law of Public Order of April 23rd,1870

HABANA, August 28th,1896.

(Signed) VALERIANO WEYLER.

-----o-----

Enclosure No.2.

With Despatch No. 105.

HABANA, August 28th,1896.

GACETA DE LA HABANA

GOBIERNO GENERAL DE LA ISLA DE CUBA

En cumplimiento de lo dispuesto por la cláusula 7ª de la Real orden de 8 de Junio último, que se inserta á continuación,

ORDENO Y MANDO:

1º Desde la publicación de esta disposición serán obligatorios el curso y admisión de los billetes del Banco Español de esta Isla, como si fueran oro, con plena eficacia liberatoria en todos los pagos, excepto en los que correspondan á los derechos arancelarios y transitorios, que constituyen la renta de Aduanas y al impuesto especial que se establezca, según la disposición 8ª de la Real orden de 8 de Junio, para aplicar su producto á la recogida de los billetes, los cuales pagos se verificarán necesariamente en oro metálico.

2º En todas las transacciones, incluso en los giros de letras que se hagan en la Isla ó á pagar en ella, los precios se entenderán en billetes, cuya admisión será obligatoria.

3º Los contraventores de este Bando serán castigados, según los casos, con las penas señaladas en la ley de Orden Público de 23 de Abril de 1870.

Habana, 28 de Agosto de 1896.

Valeriano Weyler.

REAL ORDEN QUE SE CITA.

«Ministerio de Ultramar.—Excmo. Sr.:—En vista de los telegramas que ha dirijido V. E. á este Ministerio dando cuenta de las proposiciones que para su reconstitución ha formulado el Banco Español de esa isla y de los auxilios que considera necesarios para que esta reconstitución se lleve á efecto con ventaja de los intereses particulares de los accionistas y de los generales del país, y en términos que permitan ampliar la circulación del billete de Banco en relación con las presentes necesidades de esas provincias, manteniendo constantemente en las cajas del Banco las reservas metálicas que á esta circulación corresponda, para que la confianza del público facilite la circulación; S. M. el Rey (q. D. g.) y en su nombre la Reina Regente del Reino, se ha servido disponer que se lleve á efecto la reconstitución de dicho Estabiecimiento bajo las condiciones siguientes:—1.ª El Banco Español de la Isla de Cuba aumentará su capital en dos millones de pesos.—2.ª Se autoriza al Banco para emitir billetes de las series y valores siguientes: cincuenta, diez, cinco y un peso, y en caso necesario, de las fracciones de peso que oportunamente se autoricen.—3.ª El Banco mantendrá siempre las reservas metálicas legales en la proporción que determinan sus Estatutos, en cumplimiento del Real Decreto de 16 de Agosto de 1878.—4.ª Los depósitos y cuentas corrientes en metálico que existan actualmente en el Banco se pagarán en la misma especie en que se hubieren efectuado, si así lo desean los interesados.—5.ª El Banco de la isla de Cuba prestará al Tesoro de la misma Isla, las cantidades siguientes: Primero. Doce millones de pesos en firme. Segundo. Otros cuatro millones de pesos, en el caso de abrírsele cuentas de crédito por un millón y medio millón de pesos respectivamente, por los Bancos de España é Hispano Colonial, ó la cantidad menor que proporcionalmente corresponda á la cuantía de las cuentas de crédito que dichos Bancos le abriesen. Y 3.º—Elevará en ambos casos hasta diez y ocho millones de pesos el importe total de sus préstamos, á medida y en cuanto lo consientan sus reservas metálicas, que el Banco se esforzará por aumentar por cuantos medios fueren precisos.—El Banco entregará el importe de dichos préstamos, en la forma siguiente: tres millones de pesos antes del 31 de Agosto próximo venidero, y sucesivamente tres millones de pesos en cada uno de los meses siguientes hasta completar el importe total de los préstamos á que se obliga.—Todos estos préstamos se harán al interés de tres por ciento anual, pagado en oro por trimestres vencidos.—Dichos préstamos se considerarán vencidos un año despues de pacificada la Isla y de restablecerse en ella las garantías constitucionales.—6.ª—El Ministro de Ultramar prestará al Banco los auxilios siguientes: —*A.* Constituirá en dépósito en sus cajas, y hasta tanto que solvente los préstamos á que se refiere la anterior disposición, dos millones de pesos en oro, con aplicación á un fondo de reserva extraordinaria, computable como garantía de la circulación de billete.—*B.* Entregará también al Banco, por el mismo tiempo, un millón de pesos en plata en cuenta corriente sin interés.—Estas cantidades se harán efectivas en la forma siguiente: un millón de pesos antes del 31 de Agosto próximo venidero, y un millón de pesos en cada uno de los dos meses siguientes, en fecha anterior á los préstamos que en los mismos deba hacer efectivos al Banco. *C.* Liquidará y abonará inmediatamente á dicho Establecimiento en pagarés renovables á noventa días con interés de cinco por ciento anual los créditos que tengan actualmente reconocidos contra el Tesoro de la Isla de Cuba.—*D.* Prestará su garantía en su caso, y en la proporción que fuere necesaria, á las cuentas de créditos que en la forma que se estipulare, abran al Banco Español de la Isla de Cuba los Bancos de España é Hispano Colonial, siempre que las cantidades garantizadas no excedan de un millón y de medio millón de pesos, respectivamente.—7ª El Gobernador General de la Isla decretará cuando y mientras fuere preciso para defender las reservas metálicas del Banco, el curso y admisión obligatorios de sus billetes, con plena eficacia liberatoria, en todos los pagos, excepto los que correspondan á los derechos arancelarios y transitorios que constituyen la renta de Aduanas y al impuesto especial de que trata la disposición 8.ª de la presente Real orden, los cuales pagos se verificarán necesariamente en oro. Para dictar dicha medida se necesitará que se haya efectuado la entrega al Tesoro del primer plazo de tres millones, y que el Banco haya recogido billetes en cantidad equivalente á la que constituyera su circulación fiduciaria en el momento de hacer efectiva dicha entrega.—8.ª En el caso de declararse el curso obligatorio del billete, el Gobierno someterá á la aprobación de las Córtes un proyecto de ley creando un impuesto especial, cuyo producto se aplicará precisamente á la recogida de billetes por importe de ochenta mil pesos oro en cada mes, cuando los préstamos al Tesoro ascendieran á dieciocho millones de pesos, ó la cantidad menor que proporcionalmente corresponda á los préstamos efectuados. Mientras este proyecto no se convierta en ley, ó en el caso de que el impuesto no rindiera en algún mes la cantidad requerida para el servicio, se autorizará al Banco para retener la necesaria de las contribuciones que recaude, quedando siempre y en todos los casos á salvo el preferente derecho de los billetes hipotecarios de las emisiones de 1886 y 1890.—De Real orden lo digo á V. E. para su conocimiento y efectos correspondientes.—Dios guarde á V. E. muchos años.—Madrid, 8 de Junio de 1896.—Castellano.—Sr. Gobernador general de la isla de Cuba.»

ASSISTANT SECRETARY
SEP 3 1896
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
SEP 3 1896
DEPT. of STATE

No. 106.

U.S. Consulate General.

Havana, Aug. 29, 1896.

Mr Lee
to the
Department of State

Recd. Sept. 5 Cons. Bur.

Ask as to his having to submit to investigation for a full report. VAR

Relative to the case of the Amn. citizen Mr. Charles Govin.

3 Enclosures.

No. 106.

U.S. Consulate General.
Habana, Aug. 29th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to my despatch no. 91 of August 20th, in reference to the case of the American citizen Mr. Charles Govin, I made a demand to the Captain General for full information bearing on the subject & I now have the honor

honor to transmit herein
1/ a copy-translation of a
reply Captain General
Weyler made to Governor
General Weyler, in which
it will be noticed that
he reports the death
of Mr. Charles Govin as
the result of wounds
received in a skirmish
with Spanish troops.
From the information
in my possession, I am
satisfied that Charles
Govin was alive up to
about 10 A.M. on the 10th
of July last, when he
was taken away from
San Matias bound
with

with ropes or cords to
the persons whose names
I have already given
in my despatch No. 93
of the 20th instant.

The "exchange of
shots" the Captain
General speaks of in
his communication to
the Governor General took
place on the 9th of July.
It seems, however, that
Govin was alive and
had not been wounded
up to the hour and day
given above. I have,
therefore, addressed to
the Governor General and
Captain General a

Communication

2/ communication today,
of which I enclose a
copy: .....

I also have the
honor to enclose herewith
3/ a copy of a letter from
Mr Manuel Fernandez
Chaqueilo; You will
notice it is dated 5th the
9th of August. It was
my first information
as to Charles Govin.
The Key West meeting
did not take place
until the 18th of August.
Fernandez did not know
of any inquiries being
made about Govin at
the time he wrote
the

the enclosed note, he
is the man, that may
be remembered, who
states that he was tied
to Govin on the afternoon
of the 9th of July after
the skirmish was over
and both had been
captured, that in this
condition he eat his
dinner with him
that afternoon and
slept all night with
him in the open air
at San Matias, that
he was untied from
him the next morning
at 10 o'clock and saw
Govin tied to some of
the

the other prisoners
whose names have been
given in a former
communication and
marched off with the
infantry of General
Ochoa's Command,
while he, Fernandez,
and the remaining
prisoners were left in
the custody of the cavalry;
later on the same day,
it will also be remembered,
Fernandez was carried
to Jarnco and spent
the night of the 10th of
July in the jail at
that point, after his
arrival at Jarnco he
says

says he was told by some of the Spanish soldiers that Corin had been killed.

This is evidently what Fernandez refers to in his communication to me when he says he did not claim his rights as an American citizen at the time of his capture because he feared that he would be exposed to the same outrages of which his companion, Charles Govin, a native of New York had been the victim.

I am,
Sir,

Sir,

Very respectfully,

Your ~~obedt~~ servant,

Consul General.

3 Enclosures:

No. 1 - Gov. Capt. Genl. to Mr. Lee,

Aug. 24

" 2 - Mr. Lee to Gov. Capt. Genl.

Aug 29.

" 3 - Letter of Mr. Fernandez

referred to.

Enclosure No. 1

With Despatch No. 106

H A V A N A , August 24, 1896.

Translation.

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

OFFICE OF THE SECRETARY.

His Excellency the Captain General in a communication dated yesterday informs His Excellency the Governor General that from the antecedents existing in that office relative to the campaign operations performed by General Lopez Ochoa on the 9th of July last, because of a landing made by the insurgents, it appears that at the several exchange of shots had with the rebels at the mountains of Don Martin, some prisoners were made, among whom appeared, wounded, Charles Govin, who died in consequence of his wounds.

By order of H.E. I have the honor to transmit to you the above as a result of your communications of the 19th and 20th instant relative to the matter.

God guard you many years. Havana, 24 August, 1896.

(Signed) El Marques de Palmerola.

To the Consul General of the United States , Present.

Enclosure No. 2

With Despatch No.106.

H A B A N A, August 29th.1896.

U.S.CONSULATE GENERAL, HABANA, August 29, 1896

To his Excellency the Governor General

of the Island of Cuba.

Excellency:-

I have the honor to acknowledge receipt of a communication dated 28th.August, in reference to the case of Charles Govin, in which it is stated that the aforesaid Govin died in consequence of wounds received in an exchange of shots between the Spanish troops, under General Ochoa, "and the rebels in the mountains of Don Martin."

I am constrained to believe that the information furnished to the Captain General is not correct, there seems to be convincing testimony that Govin was alive and not wounded as late as 10 o'clock on the morning of the 10th.of July.
I therefore request that this matter be referred back to the commanding officer of the troops engaged, as it is possible that he may have confounded the case of some other person with that of Charles Govin.

I am, Excellency etc. etc.

(Signed) Fitzhugh Lee.

Consul General.

Enclosure No. 2

With Despatch No. 106

HAVANA, August 29 1896.
Translation.

To the Consul of the North-American Republic at Havana.

Honorable Sir:

On the 9th of last July I fell into the hands of Spanish troops, together with several other persons, and fearing at the time that I would be exposed to the same outrages, from which our companion Charles Govin, a native of New York and, therefore, a citizen of the United States, was a victim, I then abstained from claiming my rights as a citizen of that great Republic, waiting to be brought to this fortress, where with due guarantees I could seek the protection of a citizen of your free Nation. I am here subjected to summary proceedings and I inform you of this for the proper effects.

I am, Sir, your obt .servant,

(Signed) Manuel Fernandez Chaqueilo.

"Cabaña" fortress, August 9, 1896.
Cell number 42.

ASSISTANT SECRETARY
SEP 5 1895
DEPARTMENT OF STATE.

No 107

INDEX BUREAU
REC'D.
SEP 5 1895
DEPT. OF STATE

U. S. Consulate General.

Habana, Sept 2nd 1896.

Mr Lee

Rec'd. Sept. 10.

to the

Department of State

Case of registration
of Louis Cowan, Jr,

One enclosure.

No. 107.

U. S. Consulate General.
Habana, Sept 2 1896.

Hon: William W. Rockhill
Assistant Secretary of State
Washington
D. C.

Sir.

Referring to the Department's instruction No 61, relative to the application of Mr. Louis Cowan, Jr. to be registered at this consulate general as a citizen of the United States, I transmit herewith, at the request of his father, Mr. Luis A. Cowan, copies

of two sworn declarations made before me by ~~respectable~~ and credible persons, to prove that he, (Luis A. Cowan) resided for several years in the United States. He is also registered in this consulate general since 1869, as a citizen, in accordance with Act of Congress of Feby 10th 1855.

Submitting the above to the consideration of the Department,

I am, Sir, very respectfully

Your obt ~~Servt~~

Consul General

One enclosure:
copy of statements.

Enclosure No.1.

With Despatch No.107.

H A B A N A , September 2nd,1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, August 28th,1896.

On this day,before me, the undersigned,U.S. Consul General at Habana,personally appeared Mr.JAMES CLARKE,of this city,to me known,and duly sworn,declared: that he is acquainted with Mr.LUIS A.COWAN,of this city, that he had known him for ever twenty years,and that to his knowledge he knows him to have been a resident of New York city before the year 1860,and believes that he resided there three or four years before returning to Cuba. He was engaged in clerking.

Before me : (Signed) James Clarke.

(Signed) Fitzhugh Lee.

Consul General.

Also appeared Mr.Robert Maas,of this city,to me personally known,and being duly sworn,declared that he has been acquainted with Mr.LUIS A.COWAN,of this city ever twenty five years,: that about the year 1860 Mr.COWAN resided in New York city,and remained there three or four years before returning to Cuba.

Before me : (Signed) Emilio Maas.

(Signed) Fitzhugh Lee.

Consul General.

ASSISTANT SECRETARY
SEP 5 1896
DEPARTMENT OF STATE

No 108.

INDEX BUREAU
REC'D.
SEP 5 1896
DEPT. OF STATE

U. S. Consulate General
Habana, Sept 2 1896

Mr Lee
to the
Department of State.

Recd. Sept. 30.

With respect to the entry of chinese at New York.

One enclosure -

Com. Bir.

Mr Springer's explanations appear to me satisfactory except perhaps as regards Chinese actors. I am not quite sure that they belong to the excepted classes. Can you enlighten me on this point?

W. A. R.

Treaty stated in letter of Sept 24 that actors are not excluded.

No. 108.

U. S. Consulate General.
Habana, Sept 2d 1896.

Hon: William W. Rockhill,
Assistant Secretary of State,
Washington
D.C.

Sir:

Referring to the Department's instruction No 57. of 14 August, and enclosure of copy of an unsigned letter dated New York, August 12th, relative to Chinese entering that port from Habana, I transmit copy of a letter from Mr Springer, the Vice Consul Genl,

to whom I referred said
instruction for an explanation.

I am, Sir

Very respectfully

Your obedient servant,

Fitzhugh Lee

Consul General

Enclosure:

Mr. Springer to Consul Genl Lee.

ASSISTANT SECRETARY
SEP 1
DEPARTMENT OF STATE

Bond

Referred with Treasury letter for its decision WR

SOLICITOR'S
SEP 15 1896
SERIES

Treasury answered Sept 22 1896 that action was not expedient

Mr. Rockhill:- The earlier decisions construing the Treaty of November 17, 1880 and the Chinese Exclusion Act of May 6, 1882, were to the effect that the words "Chinese laborer" were applicable to those persons only "whose occupation involves physical toil and who work for wages." In the case of Ho King (14 Fed. Rep. 724) a Chinese actor or theatrical performer was held upon this principle not to be a Chinese laborer within the meaning of the treaty and Exclusion Act. More recent decisions, construing the treaty and the more recent Exclusion Acts and legislation of a kindred character, are apparently based upon a different principle. In the case of Ah Fawn (57 Fed. Rep. 591)the history of the treaty was considered by the court and the conclusion was reached that the persons embraced in the term "Chinese laborer" as used in the Treaty and the Geary Act of 1892 were all chinese persons coming to the United States for a purpose other than that of teaching, trade, travel, study or curiosity. In conformity with this principle, although prior to the decision just above referred to, the courts have held that a Chinese proprietor of a restaurant was a laborer; that a Chinese merchant condemned to imprisonment at hard labor was a laborer and not a merchant; and in the case of Ah Fawn, it was held that Chinese gamblers and high-binders "(a non-laboring class) were Chinese laborers within the meaning of the Geary Act and of the treaty. Upon this principle a Chinese actor, whose occupation is not teaching, trade, travel, study nor curiosity, might be included in the category of Chinese laborers, and I would suggest the

advisability of referring the matter to the Treasury Department, ~~who~~ which may have rendered a decision covering the case of an actor.

M.E.G.

Enclosure No.1.
With Despatch No. 108
HABANA, September 2nd,1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, September 1st,1896.

Fitzhugh Lee,Esquire.

U.S.Consul General.

HABANA.

Sir:-

In reply to the Department's instruction No.57,with enclosure of an unsigned letter dated New York,August 12th, relative to chinese holding papers given by this Consulate General to shew that they are merchants,stating also,that Mr.WILLIAMS the last year or so of his term had refused to certify in such cases because satisfied that such papers were frauds,that with a change in the head of this office things would be all right,that"the Vice Consul was favorable" etc, I have to say that this office issues no such papers, but solely,after a previous examination and confrontation in each individual case,affixes its visa to the certificates of identification and passport issued by the Chinese Consul General to officials,students,merchants and actors, which are also indorsed by the Government of the Island to allow their departure. These documents,in conformity with U.S. Treasury regulations,are intended to be accepted at ports of entry in U.S. as prima facie evidence of the right of the holder to such entry. This office also visas the similar documents issued by the Chinese Consul General to chinese persons,bound to U.S.in transit for China,via Canada,Vancouver,etc,in accordance with art: 3 of the treaty between U.S.and China of December 8th,1894; and together with the said Consul General,certifies to a descriptive list in

triplicate of such persons in transit across the territory of the U.S.,one copy of which is transmitted to the U.S. Collector at port of the intended entry,generally New York. It is understood that the passenger agents in U.S.are obliged to give bonds for such persons,conditioned for their departure withi 20 days.

I will add that this subject has been a matter of considerable correspondence with this Consulate General, and letters have been received by the Department from persons in Habana unknown to this office. Copies of several were sent you in Instruction No.24,July 3.

It is believed that frauds were committed by having the same passport papers returned and used again,without the intervention of either Consulate,interested parties using chemicals to erase and change dates,names, etc. For that reason the Chinese Consul General,(as reported to the Department in your No.45,July 9th,) requested you not to visa any passports but such as were issued by him during the current year,and took other precautions by the use of an indenting stamp,neutral tinted paper sensitive to chemicals,and other means,to insure against the fraudulent use of old passports,etc. The increased number of chinese leaving Cuba is due to the present condition of the affairs of the Island.

Respectively submitted, Your obedient servant,

(Signed) JOSEPH A.SPRINGER.

Vice Consul General.

To Madrid Sept 8

Rec'd Sept. 10.

ASSISTANT SECRETARY
SEP 5 1896
DEPARTMENT OF STATE

No. 109.

INDEX BUREAU
RECD.
SEP 5 1896
DEPT. OF STATE

U.S. Consulate General.

Havana, Sept. 2, 1896.

DIPLOMATIC
SEP 5 1896
BUREAU

Mr. Lee

to the

Department of State.

Relative to fines imposed on the "Ward" line steamers.

1 Enclosure.

No. 109.

U.S. Consulate General.
Havana, Sept. 2, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I have the honor to enclose, herewith, a copy of a letter received from Messrs. Hidalgo & C, agents in this City of the "New York & Cuba Mail Steamship Company", relative to certain fines imposed on the steamers of said line

1/

line.

I am, Sir,

Very respectfully,

Your obedient servant,

Consul General.

1 Enclosure:

No. 1 - Copy of letter referred to.

Enclosure No. 1.

With Despatch No. 109.

H A V Q N A , September 2, 1896.

COPY.

HAVANA, Aug. 31, 1896.

Fitzhugh Lee, Esq.,

U.S. Consul General,

Present.

Sir:

In representation of Messrs. James E. Ward and Company Agents for the "New York and Cuba Mail S.S. Company" of New York, we beg to submit to you the fact that the custom house authorities of this port have imposed certain fines on sundry of the steamships belonging to the Company, payment of which is threatened to be enforced by executive proceeding, if not effected by us within three days from notice. This latter has been given us by means of communications from the Collector of duties, dated the 28th instant to our hands on to-day.

We beg leave to give a relation of the fines in question and reasons which we believe to prevail opponent to the imposition thereof, as follows:

1. LIQUIDATION No. 5507.

The steamer "Seguranca", arrived from New York on August 12, 1896, has been fined.

$600.- for the following cause: Bill of Lading of the steamer's cargo No. 38 reads: 30 drums fish 1800 kiles while on the ship's manifest has been erroneously entered "30 drums fish 7800 kiles". It seems to us that this could not possibly be taken otherwise than for a clerical error, there is certainly no ground for alleged intention to defraud, inasmuch as the weight appearing on the manifest is very much more than the actual one of the

goods and whereupon the duty should be levied,and which nobody would increase purposedly.

2. LIQUIDATION No.353.

The steamer "Seguranca" arrived from New York the 17th of January,1896,has been fined.

$10.- for not expressing on the manifest the class of merchandise contained in 249 drums,which were,"fish".

3. LIQUIDATION No.356.

The steamer "Seneca" arrived from New York the 29th of June,1896,has been fined.

$10. for consignment to "order" of one case woven goodS.

4. LIQUIDATION No.3247.

The steamer "Seguranca " arrived from New York on the 20 July,1896,has been fined.

$10. for using on the manifest the word "merchandise".

5. LIQUIDATION No.11038.

The steamer "City of Washington" arrived from New York the 18th of Septber.1895,has been fined.

$630. for having omitted to mention on the manifest the weight of 18 s - 11 cases goods.

6. LIQUIDATION No.31131.

The steamer "Saratoga" arrived from New York the 15th April,1896,has been fined.

$10.- for having omitted to name on the manifest the contents of 5 packages and 3 cases of goods.

7. LIQUIDATION No.32087

The steamer "Seneca" arrived from New York the 4th of April 1896,has been fined.

$550 for difference (from erroneously copying) between the weight called for on bills of lading and weight entered on manifest.

8. LIQUIDATION No.35564.

The s

The steamer "Seguranca" arrived from New York the 22nd April,1896,has been fined:

$10- for declaring on the manifest in conjunction the weight of tissues and other merchandise.

9 LIQUIDATION No.35401

The steamer "Vigilancia" arrived from New York the 29th April,1896,has been fined:

$1973.10 for having omitted to mention on the manifest 2 cases goods.

10 LIQUIDATION No.35402

The steamer above named,same trip and date of arrival has been fined:

$1478.48 for having omitted to mention on the manifest 560 cases of corn starch.

We may be allowed to state that the line of steamers which we represent have no connection with the goods, further than that of "common carrier", that in consequence no interpretation different from that of"clerical errors" could in our opinion be applicable on each and every one of the cases preinserted,which have been made the object of penalty to the steamers,whereas we would mention in addition and with special reference to the impositions numbers 9 and 10.,

that on the 27th April last,that is to say,two days prior to arrival of steamer in port,and on the strength of cable information to that effect received from Mess. James E.Ward and Co.,New York,we applied in writing to the custom house authority,adverting the omission on the manifest and requesting that in view of our action, the steamer might be held free of penalty,and that in reply to our application the said authority admitted

of the character of "involuntary error" to prevail in premises,but nevertheless exacted,unjustifiedly, in our belief,the amount of the penalty to be deposited with her,prior to allowing the matter to be referred to the Ministry in Spain,for final resolution.

Considering,therefore,that the New York and Cuba Mail S.S.Co of N.Y. is unjustly dealt with at the hands of the custom house authorities,we beg in behalf of same to request that you may bring the matter before your government,and at the same time,if thought wise to do so,to endeavor to obtain condonation of the fines from the authorities here,to whom we have prviously addressed petitions to that same effect.

We are etc.

(Signed) pp.Hidalgo and Co.,

E.Erdman.

ASSISTANT SECRETARY
SEP 5 1896
DEPARTMENT OF STATE

Read Sept. 9
Com. Bur.

U.S.CONSULATE GENERAL.

HABANA, September 2nd,1896.

What do you think of this?
WR

RECD.
SEP 9 1896
DEPT. OF STATE

Attention: W.W ROCKHILL.

Assistant Secretary of State.

Washington. D. C.

My Dear Mr.Rockhill.

I beg to inclose herewith a letter received by Mr. Springer whom I directed to write to Messrs Wyckhoff,Seamans and Benedict,relative to changing the two Type writing machines for new ones of the improved pattern,such as was done last May, or to repair them. I think as the machines when repaired would be more likely to get out of order than new ones, and as the expense is but the price of a new machine,that it will be best to make the proposed exchange.

Waiting your instructions in the matter,

I remain very truly yours,

Fitzhugh Lee
Consul General



REMINGTON STANDARD TYPEWRITER.

FINE LINEN PAPERS AND TYPEWRITER SUPPLIES OF EVERY KIND.—SEND FOR SAMPLE BOOK.

New York, Boston, Philadelphia, Washington, Baltimore, Chicago, Buffalo, Rochester, St. Paul, St. Louis, Indianapolis, Milwaukee, Minneapolis, Denver, Kansas City, Cleveland, Cincinnati. Paris, France. London, England, Manchester.

Our Goods are Sold in all the Principal Cities of the World.

WYCKOFF, SEAMANS & BENEDICT.

NEW YORK,

327 BROADWAY.

E ADDRESS: WRYPEACH, NEW YORK.

August 28, 1896.

Mr. Joseph R. Springer,
Vice Consul General,
Havana, Cuba.

Dear Sir:

We are in receipt of your letter of the 22nd inst., stating that you have decided to forward the two machines, and we are also in receipt of the machines. We have examined these carefully, and find that we could put them in good condition for further use at a cost of $25.00 for both machines. They are rusted a good deal and for appearance sake it might be well to have the carriages renickeled. This would entail an extra expense of $4.00 for each machine.

These machines have had about five years service, and while there is no doubt that they will, when repaired, do good work for some time to come, perhaps you may think it would be desirable to exchange them for our latest machines, the #6. We note what you say in your favor of the 13th relative to making exchanges of these machines for new ones on a better basis than the transaction in May last. We regret to say, however, that we could not do better than that, as these machines are older than the machine exchanged at that time. Ordinarily we would have to charge you a little more for exchanging these machines than in that case, but under the circum-

(Mr. Springer, #2.)

stances we will be willing to make it on the same basis; that is, we will furnish you two #6 machines for the old ones now in our possession and $100.00 -- $50.00 each.

We will do nothing until we receive your further instructions.

Yours very truly,

WYCKOFF, SEAMANS & BENEDICT

INDEX BUREAU
REC'D.
SEP 8 1896
DEPT. OF STATE

DIPLOMATIC
SEP. 12 1896
BUREAU.

ASSISTANT SECRETARY
SEP 8 1896
DEPARTMENT OF STATE.

No. 110.

U. S. Consulate General

Habana, Sept. 3 1896

To Spain Sept. 12

Mr. Lee

Instr. Sept. 18.

to the

Department of State.

Transmitting copy of a protest of Mr Bruno Diaz, a citizen of the U. S. for not being allowed to ship 1400 bales tobacco to U. S.

One inclosure.

No: 110.

U. S. Consulate General.
Habana. Sept 3d 1896.

Hon: William W. Rockhill.
Assistant Secretary of State.
Washington.
D. C.

Sir:

I have the honor to transmit herewith, copy of a statement, embodying a protest and claim for indemnity, made before me by Mr. Bruno Diaz, a citizen of the United States, against the Spanish Government

of this Island, for the prohibition of the Government to allow him to export 1400 bales of Tobacco, which he alleges to have purchased and had in his possession prior to the promulgation of the decree of 16th May last, which prohibited after the expiration of ten days from its date, the export of tobacco grown in the provinces of Habana, and Pinar del Rio.

Very respectfully,

Your obt. Servant

Fitzhugh Lee

Consul General.

Enclosure No.1.
With Despatch No.
H A B A N A , September 3rd,1896.

COPY. U.S.CONSULATE GENERAL,

HABANA,September 1st.1896.

BE IT KNOWN that on this 1st day of September, 1896,before me,the undersigned,Consul General of the United States of America at Habana,Cuba,personally appeared Mr.BRUNO DIAZ,to me known and duly sworn declared and stated as follows:-

That his name is BRUNO DIAZ:a native of the Canary Isles,married,54 years of age,merchant: that he is a citizen of the United States,and was naturalized in New York in the year 1876:

That he is a merchant engaged in the purchase and sale of leaf tobacco of this Island,and is a resident of the city of New York where he is established: that he has also a branch establishment in this city at No.41 Dragones St.and in his occupation of merchant,banker and packer of leaf tobacco,he is a tax-payer to this Government: that for the latter industry,packer of leaf tobacco, he pays also a tax in the town of Alquizar: that his principal object in engaging in said business in this Island,and the payment of the taxes thereon exacted,is to provide the establishment he possesses in New York with tobacco cultivated in the districts of the province of Habana: and to that effect at the beginning of the present year he made the necessary purchases of tobacco in bundles.

That upon the 16th.of May last,upon the promulgation by the Governor and Captain General,of the Decree prohibiting the exportation of leaf tobacco from said districts,he possessed 59,020 bundles of tobacco,equivalent to 1550 bales,which fact he can prove by the books

of his business by the receipts from the tobacco growers who sold him the tobacco,by the fire insurance policies on the bundles of tobacco,and other satisfactory evidence: That the greater part of his tobacco on hand up to the 16th.of May aforesaid was in the raw state,it being,therefore,necessary for the purpose of its exportation to submit it first to certain operations,and manipulation,which lasts from one to forty days: for which reason it was impossible for him to ship his tobacco within the period of ten days allowed by the decree: all of which he made known in letter of protest made on the 19th.of said month before U.S. Consul General Williams,in the following terms:-

"Habana,May 19.1896.

"Ramon O.Williams,Esq.,

"Consul General of the United States of America,

"Habana.

"Sir:-

"In the Official Gazette of this day appears a "decree of the Captain and Governor General of this "Island,dated the 16th.instant,prohibiting the ex- "portation of all leaf tobacco which was grown in the "provinces of Pinar del Rio and Habana of this Island, "after the expiration of ten days from the date of "said decree.

"I am a merchant doing business in this Island "and New York,and have here at present a large sum "of money invested in the 1896 crop of tobacco.

"This tobacco at present is in its raw "state in bundles as brought from the farmers,and "before it can be put in condition to ship,must be "put through a course of manipulation called 'packing' "by the trade,which includes fermenting,moistening, "assorting,re-assorting,and baling it,each of which "processes demands from one to forty days.

"It is therefore,plainly visible that the forced "exportation of this merchandise within ten days or "the inability to export it after that date is a "damage to my interests and capital invested,in a "marked degree.

"And in my rights as a citizen of the United "States,I protest most emphatically against the en- "forcement of the decree cited,and the money damage "caused to me thereby.

"It is perhaps not amiss to state also,that said "decree approved this day,19th.May,in the Official "Gazette,and is dated the 16th.and that appeared on "Sunday the 17th.in an un-official daily newspaper "under date of the 16th.and bearing same date,the 16th.

"I remain etc.

"(Signed) Bruno Diaz.

A copy and translation of the foregoing was transmitted to the Department by Consul General Williams,on the 22d.May.

And this deponent further declares that on the 18th.of May above cited,he commenced the process of packing in the town of Alquizar,and in this capital,employing in both establishments about 350 workmen daily,and that up to the present time he has prepared and ready for exportation 1400 bales.

That the deponent also memorialized this Government on the 10th.August of this present year,setting forth plainly all the circumstances and facts of his case to the Governor and Captain General,showing that on the 16th.of May,the date of the said decree,this appearer possessed as the result of contracts made before the promulgation of said decree,the number of 59,020 bundles, "matules",of tobacco,equivalent to 1550 bales,and also tending to justify the reasons which prevented him from shipping the same within the period of ten days conceded

for its exportation,and requesting the Governor General to authorize the exportation for the United States of 1400 bales, which is the number of bales ready for shipment of the tobacco he purchased prior to the date of the decree, and which had been purchased and prepared expressly in conformity with the exigencies of that market - the United States - and because of the commercial obligations also previously contracted: that in replym to his memorial,the Governor General,through the Intendant General of Finance in a communication dated the 21st.of August refused his permission to export the said 1400 bales of leaf tobacco produced in the province of Habana,as the existence of contracts made previous to the promulgation of the decree prohibiting the exportation of leaf tobacco cultivated in the provinces of Habana and Pinar del Rio,is alleged not to be justified.

WHEREFORE the said appearer doth solemnly and publicly protest against the action of the Spanish Government in the premises,whereby his property has received embargo and detention,in direct violation of Art.7 of the treaty between the United States and Spain,of 1795, and bases his protest upon the fact that he invested his capital in said tobacco business in this Island previous to the decree: that he paid all the necessary taxes exacted of him by the Spanish Government for the privilege of carrying on said business in this city of Habana and Alquizar, and in consequence had incurred commercial obligations relationed with the continuance of his business without interruptions: that he therefore considers himself as entitled to an indemnity from the Spanish Government for the losses and damages to his property and interests,sustained by him as aforesaid,and estimates the amount of same at the value of the said 1400 bales before mentioned:- to wit, TWO HUNDRED and TEN THOUSAND DOLLARS and interest thereon

until time of payment of said indemnity,and such other relief as may be accorded him in the premises.

(Signed) BRUNO DIAZ.

----------O----------

U.S.CONSULATE GENERAL , H A B A N A.

ON this 1st.day of September,1896,before me, the undersigned,U.S.Consul General at Habana,personally appeared Mr.BRUNO DIAZ,a citizen of the United States,to me personally known,and known to me to be the person named in the foregoing instrument which is of the nature of a protest against the Spanish Government and a claim for indemnity,to which he hath subscribed his name,and duly sworn,deposed umto the facts therein set forth which he declares to be true.

WITNESS my hand and official seal,date as above.

(Signed) FITZHUGH LEE.

Consul General.

----------O----------

A true Copy:- Fitzhugh Lee

Consul General.

----------O----------

INDEX BUREAU
REC'D.
SEP 8 1896
DEPT. OF STATE

ASSISTANT SECRETARY
SEP 8 1896
DEPARTMENT OF STATE

Mr Adee
Memo written
Thos Mc.

No. 111.

U. S. Consulate General,

Havana, Sept. 4, 1896.

Mr. Lee

Rec'd Sept. 14

to the

Department of State.

Relative to the prohibition of exporting leaf tobacco from this Island.

2 Enclosures

ASSISTANT SECRETARY
SEP 8

Dear Mr. Rockhill:

This only partly tells the story.

Santa Clara tobacco is not prohibited as an export, only the tobacco from Pinar del Rio and Habana.

This relates to a commission to determine whether 1817 bales, now in Havana, is Santa Clara product or alleged under-valuation.

It does not appear whether Puente has named the three members as requested, but it may be presumed that they have done so.

Yours

No. 111.

U.S. Consulate General.
Havana, Sept. 3d 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to protests forwarded to the Department, made by American citizens against the prohibition of exporting tobacco from this Island, I beg to transmit translations of two communications from the Intendancy General

2/

General of Finance in
connection with said
prohibition.

I am, Sir,

Very respectfully,

Your ~~obedient servant~~

Consul General.

2 Enclosures:

No. 1 - Communication of the
Intendant, Mr. Zagoaga.

" 2 - do. of Sub-Intendant,
Mr. Lopez Gamundi.

Enclosure No. 1.

With Despatch No. 111

H A V A N A , Sept.3,1896.

TRANSLATION.

INTENDANCY GENERAL OF FINANCE of the ISLAND of CUBA.

Under this date and as a result of the application presented by you to my authority,I inform the President of the Union of Manufacturers of Tobacco and Cigarettes as follows:

"Whereas several leaf tobacco store keepers of this capital "presented an application to my authority in which they state "that they have in store certain number of bales enumerated, "from Santa Clara,and which because of its conditions has no "outlet in the manufactures of this capital,it being besides "sold for its exportation, and inasmuch as they cannot export "them through the ports of the province of Santa Clara,be- "cause it is prohibited by the Decree regarding the tobacco "and its regulations to transport the same from the pro- "vinces of Pinar del Rio and Habana to the Eastern provinces, "whatever the kind of tobacco it may be,, they,therefore, "request permission to deposit temporarily in the Mercantile "Deposit the bales referred to,stating the marks and weights "to be examined by a special commission of experts which will "determine the origin of the tobacco and to allow it to be "exported for the port where it is sold.

Considering that it is just to accede to the request I have resolved to request you, for the purpose of appointing the said Commission, to please name three members of the Union of Manufacturers, which you so worthily pueside, in order that together with the persons to be appointed by the undersigned Intendant General,the representatives of the Treasury may govern themselves by the report of the experts appointed by that Presidency.

I transmit the above for your information and other effects. God guard you many years. Havana,3 July,1896.

(Signed) Emilio Fagoaga.

Messrs.J.Puentes and Co., and others.

Enclosure No. 2

With Despatch No. 111.

H A V A N A , September 1896.

TRANSLATION.

Sub-Intendancy General of Finance and Inspection of Customs of the Island of Cuba.

The Expert Committee, which is to examine the one thousand eight hundred and seventeen bales of leaf tobacco, as requested by you on the 27th June last for the purpose of permitting you to export it stating that your tobacco comes from the province of Santa Clara, has been appointed, and His Excellency resolved under date of the 12th that you be informed that in order to proceed to the said examination and inspection it became necessary the introduction of the tobacco in the Deposit designed for that object, also informing you that orders are being issued to-day to the end that the custom house of this port admit same, and that the examination is to commence on the 17th instant at the hour fixed by the Collector of Customs, in conformity with the Expert Committee of the Chamber of Commerce of this capital.

I transmit the above for your information.

God guard you many years. Havana 1896.

(Signed) Manuel Lopez Gamundi.

Messrs.J.Puente and Company and others.

Copied for Congress
Feb. 1897

File

INDEX BUREAU
RECD.
SEP 8 1896
DEPT. OF STATE

DIPLOMATIC
SEP 8 1896
BUREAU

ASSISTANT SECRETARY
SEP 8 1896
DEPARTMENT OF STATE.

No. 112.

U.S. Consulate General.

Habana, Sept. 4th, 1896.

DIPLOMATIC
SEP 8 1896
BUREAU

Mr. Lee

to the

Department of State.

Complying with instruction no. 64 of the 21st August relative to the murder of the American citizen Mr. Segundo Narciso Lopez by Spanish troops in Cuba.

1 Enclosure.

No. 112.

U.S. Consulate General.
Habana, Sept. 4, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

In compliance with the Department's instruction No. 64 of the 21st instant relative to the murder of Mr. Segundo Narciso Lopez, by Spanish troops in Cuba, I asked the Captain General under date of the 31st ultimo

to

to have this alleged murder of a citizen of the United States investigated and the guilty parties punished without delay. I now beg to enclose copy-translation of General Weyler's answer to my request.

I am, Sir,

Very respectfully,

Your obt. servt.

Consul General.

1 Enclosure:

No. 1 - Communication referred to.

Enclosure No. 1.
With Despatch No. 112
H A V A N A , September 4. 1896.

TRANSLATION.

ARMY of the ISLAND of CUBA. OFFICE of the CAPTAIN GENERAL. CHIEF OF STAFF.

To the Consul General of the United States,

Present.

Sir:

I have received your note of the 31 August last, relative to the citizen of the United States, Narciso Lopez, and not having any advices concerning his death under the circumstances in which it occurred, under this date I order proceedings to be drawn up in investigation of the facts, the result of which I shall be pleased to inform you in due season.

God guard you many years. Habana, 2 September, 1896.

(Signed) Valeriano Weyler.

My dear Mr. Rockhill.

I suggest we file this since it contains nothing that will be helpful to Mr Taylor in carrying out the Department's instructions in other cases.

Very truly yours
Adler

DIPLOMATIC
SEP 9 1896
BUREAU.

Dupl Rec.

I suppose that a copy of this should go to Madrid.

The murder was reported there & instructions given our Minister in the premises.

WJB

INDEX BUREAU
REC'D.
SEP 8 1896
DEPT. of STATE

Consulate General of the U.S.
Havana, September 5. 1896

Rec'd Dept. S. 8th

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY

CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, and are subject to the Rules printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

SEP-8 9 15 AM 1896
CONNECTS WITH

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
FOUR ANGLO-AMERICAN AND ONE DIRECT U.S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

RECEIVED

OFFICES IN AMERICA:

All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street,
BRISTOL: Backhall Chambers.

754pm

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
CO	K	SO SO	55 govt	Havana Sept 5

RECEIVED at Corcoran Bldg Washn D C Sept 5 1896 189

Assistant Secretary of State, Washington DC

Asked for Tolons release yesterday today get reply that particulars of case are not known and will communicate when they are Tolon was regular registered passenger had pass visied by authorities was taken from inside of steamer as she was about to sail.

LEE

INDEX BUREAU
RECD.
SEP 8 1896
DEPT. OF STATE

ASSISTANT SECRETARY
SEP 8 1896
DEPARTMENT OF STATE.

Rec'd Sept 9.

No. 113.

U.S. Consulate General.

Havana, Sept. 5, 1896

Mr. Lee

to the

Department of State.

Forwarding copy of a letter from Messrs. Wm. A. and Louis McGlean.

1 Enclosure.

No. 113.

U.S. Consulate General.
Habana, Sept. 5, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I herewith transmit for the consideration of the Department copy of a letter received from Messrs. William A. and Louis M. Gleau. 1/

I am, Sir, very respectfully,
Your obt. servant
Fitzhugh Lee
Consul General.

1 Enclosure

Enclosurec No.1.

With Despatch No. 113.

H A B A N A , September 5th,1896.

Copy.

Sagua la Grande. August 31st,1896.

Hon: Fitzhugh Lee,

U.S.Corsul General.

HABANA.

Sir:

Since my last of 1st instant to you,nothing has occurred in our unjust case to prove that our rights as American citizens have beer accorded us. Our treaty rights have been completely ignored,notwithstarding our having beer detained four months by the military authorities,and one month by the civil authorities. Do you not consider that five months a reasorable time in which to grant us our rights ? In the absence of justice at the hands of the authorities,we appeal to you, Mr.LEE,to demand them for us from General WEYLER,our p^resent condition is such that we must leave the Island or starve.

Thanking you for the interest you have displayed in our case, we remain,

(Signed) WILLIAM A. and LOUIS M.GLEAN.

-----o-----

INDEX BUREAU
RECD.
SEP 8 1896
DEPT. OF STATE

Mr Whitehouse

ASSISTANT SECRETARY
SEP 8 1896
DEPARTMENT OF STATE.

To Madrid
Sept 9

No. 114.

U.S. Consulate General,
Havana, Sept. 5, 1896

File.

DIPLOMATIC
SEP 8 1896
BUREAU

Mr. Lee

to the

Department of State

Relative to fines on steamers of the Ward Line.

1 Enclosure

No. 114.

U.S. Consulate General.
Habana, Sept. 5, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to my despatch
No. 109 of the 2d instant
forwarding a list of fines
imposed by the Havana
customs authorities on
steamships of the "Ward"
line, I have now to in-
form the Department that
Messrs. Heidalgo & Co stating
that

that they have been
threatened with summary
proceedings of embargo,
at their request, I have
1/ asked the Governor General
to order suspension of
proceedings against them
pending the result of
efforts being made through
the diplomatic channel
at Madrid for the coordina-
tion of said fines.

I am, Sir,

Very respectfully,

Your obt servant

Fitzhugh Lee

Consul General.

1 Enclosure.

Enclosure No.1.

With Despatch No. 114.

H A B A N A , September 5th,1896.

Copy.

U.S.CONSULATE GENERAL.

HABANA, September 4th,1896.

To His Excellency the Governor General of the Island of Cuba,

etc, etc,

Excellency :

Upon the request of Messrs HIDALGO & CO, of this place, the representatives of the American steamships of the WARD LINE, of New York, I have the honor to request Your Excellency to order the suspension of all executory proceedings that have been commenced against said steamships, on account of fines imposed by the Administration of Customs of this port, for alleged infractions of Customs Regulations, pending efforts for their condonation being made through the diplomatic channel in Madrid, to which end I have already reported the case to the Department of State at Washington.

I am, Excellency, etc

(Signed) FITZHUGH LEE,

U.S.Consul General.

---o---

File

INDEX BUREAU
REC'D.
SEP 10 1896
DEPT. OF STATE

Mr Faire

ASSISTANT SECRETARY
SEP 10 1896
DEPARTMENT OF STATE

No. 115.

U. S. Consulate General

Habana, September 5th 1896

Mr. Lee

to the

Department of State.

Transmitting copy of a statement by Mr. Federico P. Montes, to be filed as an addition to his protest of April 6th last.

One enclosure -

No: 115.

U. S. Consulate General

Habana. September 5 1896.

Hon: William W. Rockhill,

Assistant Secretary of State.

Washington.

D. C.

Sir:

I transmit herewith copy of a statement made before me by Mr. Federico P. Montes, a citizen of the United States, to be filed as an addition to the claim against the Spanish Government made by him on 6 April last, and transmitted

in dispatch No 2908. of 23
April - last.

I am, Sir,

Very respectfully,

Your obedient servant,

Samuel Greene

One enclosure:

Enclosure No.1.

With Despatch No.115.

H A B A N A , September 5th,1896.

COPY.

U.S.CONSULATE GENERAL , HABANA.

ON this 4th.day of September,1896,before me,the undersigned,U.S.Corsul General at Habana,personally appeared Mr.FEDERICO P.MONTES,a citizen of the United States, and presented the following statement which he requests may be filed as an addition to,and explanatory of,the claim he made through this office,against the Spanish Government,on the 6th.of April last which was transmitted to the Department of State on the 23rd.April.

And the said FEDERICO P. MONTES HATH SUBSCRIBED his name to the same and sworn that the same is true and correct.

WITNESS my hand and seal of this Consulate General at Habana,this 4th.Sept.1896.

(Signed) FITZHUGH LEE.

CONSUL GENERAL/

----------O---------

STATEMENT of the claim made by Mr.FEDERICO P. MONTES,a citizen of the United States of America against the Government of Spain for the destruction of property, losses and damages inflicted to his estate by the effects of the revolution in the Island of Cuba.

5000 tons of burnt sugar cane whi-ch should be sold at the rate of five and a half arrobas of sugar for every one hundred of sugar cane gives ----------

27500 arrobas of sugar,that is 687500 lbs.of sugar.

Taking as a base that this sugar should sell at three cents a pound it gives----------$20625.

Deducting the cutting of cane and cartage at the average of 80 cts.for every 2500 lbs. $4000.----------$16625.

Frnd. 16625.

Fields of sugar cane being destroyed by the fire and estimating its duration at five years as an average,as he may prove that his fields of sugar cane used to last from eight to elever years without replanting again: they are calculated at $13000 a year----------$65000.

333 cordeles (a measure of 23yds.) of hedges all destroyed by fire calculated at $3.each---------- 999.

90 heads of pigs and hogs at $6.---------- 540.

80 oxen at 85 dollars a yoke---------- 3400.

16 horses,good size,at $100. each---------- 1600.

5 mules at $68. each---------- 340.

10 cows at $20.each---------- 200.

8 yearlings at $12.each---------- 96.

4 acres of yuca which could yield 3000 arrobas sold at 25cts.per 25 lbs.---------- 375.

26 mares for breeding stock---------- 2600.

6 horses---------- 430.23

7 colts,stallions---------- 476.

9 mules---------- 765.

6 asses---------- 204.

9 young mules,5 young colts---------- 306.

Money he had advanced to rentees to plant sugar cane and which cane could not be cut and was burnt,as follows,Teofilo Palacios owes cash---------- 191.28

Seed sugar cane given him---------- 60.

Silvester Campos owes cash---------- 270.

Seed sugar cane given him---------- 60.

Marcelino Hernandez owes cash---------- 412.12

The sugar cane fields of these parties whose contracts he can produce,are calculated in the amount of 1937 tons of cane which would bring 8519 arrobas of sugar that sold at 3cts.a pound would produce $6389.of which he shares one fourth,the rest belongs to them---------- 1597.25

Losses and damages implicate on the apiary,caused by abandonment---------- 2500.

Gmk.

Brought for'd. 99046.88

A pineapple and barana patch which have all gone------- 2000.

Losses calculated on fruits,trees,fruits coffee and coffee beads---------- 2500.

15 bullcarts used to carry cane,in very good condition- 1785.

The yokes,ropes and all necessary used for the holding the cane or the carts---------- 300.

One good chain and two iron buckets used in the well to draw water---------- 25.

One mule cart for errands---------- 75.

6 wooden trays used to dry coffee and other things------ 60.

400 empty bags for sugar---------- 100.

Ploughed grounds which were prepared for planting sugar cane and had to be abandoned---------- 108.12

HE estimates that he may have at least two or three law suits for non-fulfilment of contract: that he may have to go wandering with his family striving hard for their support,enduring all kind of privations as much in their comfort as in their persons not knowing yet to what degree they may have to come to,having been deprived of his liberty for a space of three and a half hours,made to march to the town and not finding any cause for his detention ordered him off from house---------- 19000.

Total $125000.

Habana,Sept.4th.1896.

(Signed) FEDERICO P. MONTES.

----------o----------

A true copy:-

Consul General.

INDEX BUREAU
RECD.
SEP 10 1896
DEPT. OF STATE

(E)

No. Madrid Dec. 1st 1895

Ans. Sept. 12. 1896

No. 116

U.S. Consulate General.

Habana, Sept 5, 1896.

Mr. Lee

to the

Department of State.

Arrest of the American citizen Mr Samuel J. Tolon on board the American steamer "Seneca" of the Ward Line.

1 Enclosure.

No. 116

U. S. Consulate General
Habana, Sept. 5th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to submit to the Department a copy of a communication I addressed yesterday to the Captain and Governor General of this Island in reference to the arrest of the American citizen, Mr. Samuel J. Tolon, 1/

on

on board the American
steamer "Seneca" of the
Ward Line of New York,
while on the point of
sailing for that port
on the afternoon of the
3d instant.

Up to this date no
reply has been received
from the Captain and
Governor General.

I am, Sir,
Very respectfully,
Your ~~obedient servant~~,
Fitzhugh Lee
Consul General.

1 Enclosure:
No. 1 - Communication referred to.

Enclosure No.1.

With Despatch No.116.

H A V A N A , September 5,1896.

Copy.

U.S.Consulate General.

HAVANA,Sept.4,1896.

To His Excellency the Governor and Captain general

of the Island of Cuba.

Excellency:

I am credibly informed that on yesterday afternoon, as the American steamer "Seneca" of the Ward Line of New York was on the point of sailing for that port,a spanish officer visited said ship and arrested and seized Mr.Samuel T.Tolon, an American citizen who had been duly naturalized as such, according to the record of this office, for 18 years. This citizen had duly received his passport from this office which had been duly visaed by the Regional Government,had purchased his passage ticket,and was on board ready to sail.

I submit that no authority existed for the arrest of Mr.Tolon after he had duly provided himself with all the necessary passports and papers and after he had passed through the gangway and was duly registered passenger of said steamer.

I respectfully protest against this proceeding,because it is in violation of article 48,title 4 of the Law of Spain relating to Foreigners residing in her colonies,of July 4,1870, which refers solely to criminals and persons accused of ordinary crimes. No notice was given to me of the arrest or the intention to arrest this citizen,and at this hour I am ignorant of the violation of any law on his part or the nature of any charges that may have been produced against him,and which would make him guilty of any ordinary crime,to which the article cited solely refers.to.

I am, etc. ,etc. etc.

(Signed) Fitzhugh Lee,

Consul General.

2D ASSISTANT SECRETARY.

SEP 11 1896

Mr. Faison:

The section of law appealed to by Gen'l Lee is found in the Gaceta de Madrid, July 6, 1870, and a copy is annexed to Gen'l Sickles' #125, of July 6, 1870 - Alien Law (Ley de Extranjeria). I do not find a complete printed translation of the law. The section to which Gen'l Lee refers reads thus (my translation):-

48. Criminals or culprits guilty of common offences

Cannot take asylum on foreign merchant vessels anchored in a Spanish port; and if they do so the Spanish authorities shall proceed to their extradition [removal from the vessel], after notice to the consul of the vessel's nation if there be one, or in conformity with the provisions of the respective international treaties if such exist.

This article appears to fully justify Lieut Lee in

quiry and protest, and his action should be approved.

It might be well, in answering Genl Lee, to quote the foregoing translation, for convenient reference in case the correspondence is hereafter printed.

AAG

Mr adl.

INDEX BUREAU
RECD.
SEP 10 1896
DEPT. OF STATE

ASSISTANT SECRETARY
SEP 10 1896
DEPARTMENT OF STATE

No 117

U.S. Consulate General
Habana. Sept 5th 1896

Mr. Lee
to the
Dept of State

Com Rpt
Cuba & W.I.
City Dept. 18.

Case of shooting on
board "Wm H Swann".
Swann discharged from
hospital and sent to Mad
Ink.

One enclosure.

No. 117.

U. S. Consulate General.
Habana, Sept 8th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D. C.

Sir:

With reference to my despatch No. 96. of the 21st ultimo, in which I reported the case of the shooting affray on board of the American schooner "Wm A Swann" of Phila, I have now to inform the Department that Joseph Dorsa,

was discharged today from the hospital, and I have sent him to New York by the S.S. "Vigilancia". He states his intention to prosecute, and will present himself at the office of the U.S. District Attorney in Philadelphia, - who has been advised to that effect.

I enclose a copy of Doran's deposition in the case.

I am, Sir,

Very respectfully

Your Obt. Servant,

Fitzhugh Lee

Consul General

One enclosure.

was discharged today from the hospital, and I have sent him to New York by the S.S. "Vigilancia". He states his intention to prosecute, and will present himself at the office of the U. S. District Attorney in Philadelphia, - who has been advised to that effect.

I enclose a copy of Doran's deposition in the case.

I am, Sir.

Very respectfully

Your obt. servant,

Fitz John Lee

Brevet General

One enclosure.

Enclosure No.1.
With Despatch No.117.
Habana,September 5.1896.

Be it known that on this 5th.day of September,1896, before me,the undersigned,Consul General of the United States,at Habana,Cuba,personally appeared Mr.JOSEPH DORAN? Second Mate of the American Schr."WILLIAM H.SWANN,who being duly sworn,deposed and declared as follows:-

That his name is JOSEPH DORAN,48 years of age, native of Waterford,Ireland,married,and a naturalized citizen of the United States: that he sailed from Philadelphia on or about June 17th.1896 in the above mentioned Schooner: That on the morning of August 17th.he was finishing his breakfast in company with the Steward,that he remarked to the Steward that the food was not fit for any body to eat, whereupon the latter became angry and called this deponent a liar: that this deponent had in his left hand a fork which he threw on the table and it fell on the floor: that the Steward got up from the table at once,and called the chief officer,and that this deponent went up on deck and brought him down: that when the chief officer arrived the Captain also appeared at another door of the cabin: that he then struck the Steward in the face with his fist once,and immediately he drew his revolver and fired at this deponent four times,three of the shots entering his body: that he declares he was entirely unarmed during this fusilade: that on receiving these bullets he sang out to the Captain and the Mate, "Are you going to stand by and see this man kill me?" that they did not reply or offer any assistance: that he then went to his room and washed himself,and then came up on deck: that he saw the Steward sitting in the galley with a muderous looking carving knife resting across his knees: that the Steward sang out for the Mate to come,and this deponent said, "Never "mind the Mate,I have come to see ~~you~~ Tom":that he reiter-

ates that he had nothing in his hands of a defensive character: that he then proceeded to his work bending sails, continuing at this till five o'clock: that shortly after that time the Captain told thim to pack up and go to the hospital: that he objected to this telling the Captain that he did not consider his a hospital case: that about an hour later two policemen came aboard, and that he accompanied them ashore and was taken to the prison where he passed the night: that on the following day after seeing the Doctor he was removed to the hospital from which place he was discharged yesterday: that on the morning of the shooting he had taken two drinks of rum, and that during the day he had three more drinks: that he declares he never had any previous trouble with the Steward.

Joseph Doran

Before me, this 5th. day of Sept. 1896.

Consul General.

INDEX BUREAU
RECD.
SEP 12 1896
DEPT. OF STATE

2D ASSISTANT SECRETARY.
Ack & file.
SEP 12 1896

No. 118.

U. S. Consulate General.

Habana, Sept. 9 1896.

File

Mr. Lee

to the

Department of State

Quarters of the "Competitor" prisoners in the "Cabañas" fort

One enclosure.

No: 118.

U. S. Consulate General
Habana, Sept 9th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State,
Washington.
D. C.

Sir:

I transmit herewith copy-translation of a note from Captain General Weyler, relative to the quarters in the Cabañas fortress occupied by the "Competitor" prisoners.

I am, Sir, very respectfully
Your obedient servant
Fitzhugh Lee
Consul General.

One enclosure:

Enclosure No. 1

With Despatch No. 118

HABANA , September 9 ,1896.

Copy translation.

ARMY of the ISLAND of CUBA,

OFFICE of the CAPTAIN GENERAL;CHIEF of STAFF.

Sir:-

In continuation of my official note of the 14th.August last,I have the honor to state that as I am informed by the General,Governor of the Cabaña fortress,the American citizens that belonged to the Schooner "Competitor" occupy the casemates (calabozos) number 41 and 42 of said fortress, which are the ones that are best conditioned among those in the fort.

God guard you many years.

Habana,September,5th.1896.

(Signed)Valeriano Weyler.

----------o----------

To the Consul General of the United States,Habana.

CRANE'S
1894
ALL LINEN

INDEX BUREAU
REC'D.
SEP 12 1896
DEPT. OF STATE

2D ASSISTANT SECRETARY.
SEP 12 1896

To Madrid Sept 16

Telegram to Min at Madrid. Ack accordingly. oak

DIPLOMATIC
SEP 12 1896
BUREAU

No. 119.

Copy this to Mr. Taylor in confirming telegram. Recite the motives and nature of late change from Commercial Agencies.

U. S. Consulate General. oak

Habana, Sept 9 1896.

Mr. Lee

to the

Department of State.

Case of appointment of Consuls at Sagua and Cardenas.

One enclosure.

No: 119.

U. S. Consulate General

Habana, September 9th 1896.

Hon: William W. Rockhill.

Assistant Secretary of State.

Washington.

D. C.

Sir:

With reference to the appointment by the United States, of Messrs. Parker and Hance, respectively commercial agents as Yaqua and Cardenas, to be Consuls, and my request of the Governor General for temporary authorization for them to exercise

the functions of Consuls,
I have the honor to state,
that not receiving a reply
to my official communica-
tion of the 13th August
on the subject, I addressed
a note on the 7th instant
to the Governor General,
and now have the honor
to transmit a copy of his
reply, from which it will
be clearly perceived that it
is not his wish or intention
to grant such authorization,
but to delay matters until
the usual exequaturs are
received from Spain.

As this delay is preju-
dicial to the interests of the

United States in those places, I would respectfully suggest that the Department endeavor to hasten the issue of the required exequaturs, by communicating with our Minister at Madrid.

I am, Sir,

Very respectfully

Your ~~obedient~~ servant,

Fitzhugh Lee

Consul General.

One enclosure.

Governor General Weyler to Mr. Lee.

Enclosure No. 1

With Despatch No. 119

HABANA , September 9, 1896.

Copy translation.

The Governor General of the Island of Cuba salutes the Consul General of the United States in this city, and has the pleasure to inform him in reply to his polite note of today, that it is not possible for him to decide upon the matter of the Consuls at Sagua and Cardenas until His Majesty's Government shall grant them the usual regium exequatur.

Lieutenant General Weyler, Marquis of Tenerife takes this oportunity to reiterate to Mr. Fitzhugh Lee the sentiments of his regard and distinguished consideration.

Habana, September 7th. 1896.

---------o---------

(E)

No. 120. | To Madrid Oct. 1st 1896 | File

U.S. Consulate General
Habana, Sept. 9, 1896.

INDEX BUREAU
RECD.
SEP 12 1896
DEPT. OF STATE

Mr. Lee

to the
Department of State.

Acknowledging receipt of
and confirming telegram:

No. 120.

U.S. Consulate General
Habana, Sept. 9, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington D.C.

Sir.

I beg to acknowledge the receipt of your telegram of the 5th instant reading:

"It is reported to
"Department that Samuel
"T. Tolon, an American
"citizen doing business
"at Cárdenas was
"arrested yesterday in
"Havana. Report by
cable

"cable and see that he
"enjoys all his rights,
"also urge matter be
"promptly disposed of."

"To which I answered
as follows on the same day:
"Assistant Secretary
"of State, Washington D.C.
"Asked for Zolon's
"release yesterday. Today
"got reply that particulars
"of case are not known and
"will communicate when
"they are. Zolon was regular
"registered passenger, had
"pass visaed by authorities,
"was taken from inside
"of steamer as she was
about-

about to sail."

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

INDEX BUREAU
REC'D.
SEP 15 1896
DEPT. OF STATE

Copy to President
7/23'97.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

No. 121.

U.S. Consulate General
Habana, Sept. 9, 1896.

Mr. Lee
to the
Department of State.

Rec'd Sept. 16.

Arrest of the American citizen Mr. Alfredo Hernandez

1 Enclosure.

No. 121.

U.S. Consulate General.
Habana, Sept. 9th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I beg to submit a copy of a communication I addressed to-day to the Governor General in connection with the arrest of the American citizen Mr. Alfredo Hernandez, which explains itself. I presented it in person to General Weyler, who offers to investigate the case and report to this Consulate

Consulate General the result as soon as same is received I will communicate it to the Department.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

One enclosure.

No. 1 - Copy referred to.

Enclosure No.1.

With Despatch No. 121

HABANA, September 9, 1896.

COPY.

U.S.CONSULATE GENERAL.

HABANA, September 9, 1896.

To His Excellency the Governor and Captain General

of the Island of Cuba.

Excellency:

I have the honor to submit the following statement in connection with the arrest of the American citizen Mr.Alfredo Hernandez Huguet, I am constrained to lay it before Y.E. for I believe that if upon investigation you ascertain the facts to be as represented that Y.E. will not only order the immediate release of Mr.Hernandez, but that you will see that all those who are guilty of the plot and subtilties made use of for the purpose of destroying the liberty of an innocent person be themselves severely punished as they deserve.

It appears from said statement that at 6 a.m. on Sunday the 6th instant a police officer named Don Santiago Orejudo y Estebaro, a lieutenant of the city police called Don Felix Gomez and several other individuals belonging to the police entered the house of Mr.Alfredo Hernandez, situated at Escobar street number 31, and proceeded to search it;- that the search referred to lasted from the above mentioned hour until a few minutes past 11 a.m.; that absolutely nothing which would in any way incriminate Mr.Hernandez was found; they then approached a table placed in the center of the dining room, without drawers or any appartment which could be used to keep any article whatever, and which table had already been searched twice before. That some newspapers were upon said table at the time, and that in the presence of two daughters of Mr.Hernandez a police

officer who upon being questioned said his name was Don Jose Jesus Perera, a goverrment policeman number 78, introduced among the newspapers on the table certain proclamations issued by the insurgents, taking them out immediately, all this farce being practised in such a plain and clumsy manner that one of the said daugthers of Mr.Hernandez, Miss Rosalia Hernandez, took hold of Perera's arm reproached him with energy, the latter turning pale and becoming confused on finding that the plot had been discovered.

At the request of Mr.Hernandez' family a report of the proceedings was made, the police officers refusing to extend the protest which the outraged family wished to make. The said American citizen Mr.Alfrredo Hernandez Huguet was then arrested and taken from his house to the chief of police quarters where he has been imprisoned, deprived of outside intercourse.

I am Sir, etc. etc. etc.

(Signed) Fitzhugh Lee,

Consul General.

INDEX BUREAU
RECD.
SEP 15 1896
DEPT. OF STATE

Com. Barker
Ask. confirm letter of 11th
and tel him to push for expiration
circumstances of arrest, &c.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

No. 212.

U.S. Consulate General.

Havana, Sept. 10, 1896.

Mr. Lee
Consul
Dept. 17.

to the
Department of State.

Imprisonment of
the American citizen
Oscar de Céspedes at
Matanzas.

No. 122.

U.S. Consulate General,
Habana, Sept. 10th, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Under date of the 7th instant, the Vice Consul at Matanzas informs this office of the capture some eight or ten days ago, by the Spanish column under command of Colonel Molina of Oscar de Céspedes, an American born in

Key

Key West, and that he is imprisoned in the San Severino Fort of Matanzas. I am informed by two of his sisters, resident here who called at this office yesterday, that he has been removed to the hospital on account of sickness.

This Cespedes is about 20 years of age, a son of Carlos Manuel de Céspedes, formerly Mayor of Key West, and is duly registered in this Consulate General since August 1st, 1885.

I am,

Sir,

Sir,

Very respectfully,

Your obedient servant,

Consul General.

INDEX BUREAU
RECD.
SEP 15 1896
DEPT. OF STATE

Conf. Desp
Ask by cable
Conf. cable
Cable sent Sept 15.
Confirmed Sept 16.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

No. 123. Confl

U. S. Consulate General.

Havana, Sept. 10th, 1896.

Mr. Lee

to the

Department of State.

Relative to the case of Charles Govin. Acknowledging receipt of instruction No. 76.

No. 123.

U.S. Consulate General,
Havana, Sept. 10th, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to acknowledge the receipt of your instruction No. 76 directing me to press unremittingly for a full investigation and report as to the fate of Charles Govin, a citizen of the United States. It is to be remembered that

the

the Captain General in
a communication dated
Aug. 24th stated that said
Govin had been wounded
in a skirmish and had
died from said wounds.
To that communication
I replied under date of
the 29th of said month to
the effect that I was constrained
to believe that the information
furnished to the Captain
General was not correct,
and requesting that Govin's
matter be referred back
to the commanding officer
of the troops engaged, as
it is possible that he
may have confounded
the

the case of some other person with that of Charles Govin; since that I have heard nothing further, but if no response is made within the next few days I will again call the attention of the Captain General to the subject.

As I wrote you the information in my possession leads me to believe that Govin was murdered after being captured, very possibly because he announced himself to be an American citizen and newspaper correspondent.

I am,

I am, Sir,

Very respectfully,

Your obedient servant

Consul General.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

File

No. 124.

INDEX BUREAU
RECD.
SEP 15 1896
DEPT. OF STATE

U.S. Consulate General.

Habana, Sept. 10, 1896.

Mr. Lee

to the

Department of State.

Relative to the food furnished American prisoners at the "Cabaña" fortress.

No. 124.

U.S. Consulate General,
Havana, Sept. 10th 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

In reply to your instruction No. 77 referring to a former despatch of mine in reference to food furnished American prisoners I have the honor to state that since the Command of the 'Cabaña' fortress has

been

been placed in charge of General Garrick the food furnished to the prisoners has been of better quality and more satisfactory.

I am, Sir,

Very respectfully,

Your ~~obedient~~ servant,

Fitzhugh Lee

Consul General.

COPIED FOR CONGRESS.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

No. 125.

U.S. Consulate General
Havana, Sept 10, 1896.

INDEX BUREAU
RECD.
SEP 15 1896
DEPT. OF STATE

Mr Lee
to the
Department of State.

Relative to the case
of Mr Charles Govin.

No. 125.

U.S. Consulate General.
Habana, Sept. 10, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I beg to acknowledge receipt of your instruction No. 73 of the 3d instant transmitting a letter from Mr. C. B. Pendleton of Jacksonville, Fla., enclosing the affidavit of Arthur Alvarez Valdés stating that he was an eye witness of the murder

of

of Mr. Charles Govin by
Spanish troops.

The statements contained
in the affidavit do not agree
with those given to my
representative by Manuel
Fernandez Chaqueilo, now
a prisoner at the 'Cabaña'
fortress, and tend to
confuse the manner and
mode of Govin's death. I
am inclined to believe Fernandez
for he had no object in making
any such statements and
did not volunteer to do so.

I am, Sir, very respectfully
Your obedient servant
Fitzhugh Lee
Consul General.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

No. 126.

INDEX BUREAU
RECD.
SEP 15 1896
DEPT. OF STATE

U.S. Consulate General

Havana, Sept. 10, 1896

Mr. Lee

to the

Department of State.

Rec'd Sept. 16.

Relative to the case of

the Eleau brothers.

Ans. Sept 17th
Acknowledging receipt of Baker's letter in the Eleau Bros. case.

No. 126.

U.S. Consulate General.
Habana, Sept. 10, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

Replying to your instruction No. 74 of the 4th inst. I write to say that I cannot give any further information about the Gleaw brothers than what has already been furnished to the Department. It seems impossible to secure any consideration of their

cases

cases; I think, therefore, that a demand should be made that they be promptly tried or restored to liberty.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
SEP 15 1896
DEPARTMENT OF STATE

Com. Bond
Ack. with provision
in some cases only.
Ackd. Sept 17.

No. 127.

U. S. Consulate General.
Habana, Sept 12 1896.

INDEX BUREAU
REC'D.
SEP 15 1896
DEPT. OF STATE

Mr. Lee
to the
Department of State.

Case of Oscar Cespedes.
Has been removed to the
Prison Infirmary, Matanzas.

No: 127.

U. S. Consulate General.

Habana, Sept 12 1896.

Hon: William W. Rockhill.

Assistant Secretary of State.

Washington.

D C.

Sir.

Referring to my dispatch No 122, of 10th instant, respecting the capture by Spanish troops, of Oscar de Cespedes, an American, and his imprisonment at Matanzas, I have now to state further, that the Vice Consul at Matanzas,

under date of 10th instant, informs me that he learns un-officially, that Cespedes was captured without arms at a Cuban hospital in the Zapata Swamp, south of Bolondron. Parties who saw him in the streets while being taken to San Severino Castle, report that he is in an advanced stage of consumption and not expected to live.

Mr. Delgado states further, that the hospital is over-crowded with sick Spanish soldiers and consequently Cespedes was taken to the Infirmary of the

Matanzas prison on the 9th instant. He also states that Cespedes was mal treated by his escort in both instances.

I am, Sir,

Very respectfully,

Your Obedient Servant,

J. Hughes

Consul General.

2D ASSISTANT SECRETARY.
DEC 1 1896

Dear Mr. Secretary:

The earlier reports [See Gen. Lee's #127 herewith] show that Cespedes was unarmed when captured by a Spanish column, he being sick in a Cuban field "hospital." His illness is described as consumption and serious. He has been in a Spanish hospital since his capture. According to a report of Vice Consul Delgado of

Matanzas [See Gen'l Lee's #131]
the head nurse had military
instructions "to bestow the best
"attendance on Cespedes with
"the view to court martial and
"execute him as soon as fairly
"recovered."

This case raises the
question of the meaning of
the phrase "captured with arms
in hand" found in Art 1 of the
Protocol of 1877. The phrase
is a translation of the Spanish
"mano armada" — meaning
not with a weapon actually in

the hands at the time of capture, but capture while in a state of armed resistance to the authority of Spain. Can a rebel combatant, captured while sick in a rebel hospital be deemed to have been so taken? [He claims to have been a conspirator]

The Governor General seems to have decided not, when he inhibited the military jurisdiction. The Superior court of Matanzas now seems to have decided that it has not jurisdiction in the case.

Inquiry of Springer, or the Consul at Matanzas, seems to

be the first step, unless you deem that the circumstances as reported justify immediate remonstrance against the return of Cespedes to the military jurisdiction.

Reply

ADC

INDEX BUREAU
RECD.
SEP 15 1896
DEPT. OF STATE

No 128.

U. S. Consulate General
Habana, Sept 12 1896.

Mr. Lee

to the

Department of State.

Receipt of Instructions
No 59 to No 77.

No: 128.

U. S. Consulate General.

Habana, Sept. 12th 1896.

Hon: William W. Rockhill,

Assistant Secretary of State,

Washington.

D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions from No 59. Aug 17," to No 77. Sept 5th 1896.

Also, circular dated Aug 22.

I am, Sir, Very respectfully

Your obt: servant,

Fitzhugh Lee

Consul General.

Con. Desp.

Asks a copy of the
instructions to Consul Barrett
in reply Oct 14 1896

ASSISTANT SECRETARY
SEP 16 1896
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
SEP 15 1896
DEPT. OF STATE

No. 129.

U.S. Consulate General.

Habana, Sept. 12, 1896.

Mr. Lee

Recd Sept. 16.

to the

Department of State.

Relative to the arrest
and imprisonment of the
American citizen Mr.
Samuel T. Tolon, while
on board an Amn. steamer
ready to depart for the
United States.

No. 129.

U.S. Consulate General.

Havana, Sept. 12, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

On the 4th instant I communicated with the Captain General in reference to the case of Mr. Tolon, an American citizen, a copy of which communication was duly sent to the Department with my despatch No. 116 of the

the 5th instant. On the
latter date a reply was
received stating that the
case would be investigated
and the result of same
communicated. Since
then I have heard
nothing further on the
subject.

Mr. Tolon, a duly
registered American
passenger, having his
passport signed by this
office and properly visaed
by the Spanish Government
was forcibly taken from
the deck of the American
steamer "Seneca", as
she was about to sail,
had

had received her clearance
papers, and swinging
into the stream was
ready to start on her
voyage to New York on
the afternoon of the 3d of
September; no charge
was made at the time
nor has been made
since, to my knowledge.
He was forcibly brought
on shore and thrown
into prison, and no one
allowed to hold any
communication with
him whatsoever since.

The Spanish laws
relating to foreigners
residing in Spanish
colonies

colonies of July 4, 1870,
provides, as stated in
a former communication,
that due notice should
be given to the proper
Consul before an arrest
of this nature can be
made; but no notice
of any kind was given
to me and I heard
of the outrage from others.

I respectfully request
that I be allowed to
demand that Mr. Tolon
be placed back upon
one of the steamers going
to New York from this
port, as well as to ask
damages for the injury
to

to his person and to
his business, provided
the Department on examina-
tion decides that a
position thus taken can
be sustained.

I am, Sir,

Very respectfully,

Your ~~obedient servant~~,

Fitzhugh Lee

Consul General.

INDEX BUREAU
REC'D.
SEP 25 1896
DEPT. OF STATE

Telegram.

Havana, September 15, 1896.

Rec'd. 4 N- P.M.

Assistant Secretary of State,

Washington,

D. C.

Tolon has been arrested without the warrant. He has been confined without communication (288 ? hours) in violation of article 4 Spanish constitution articles 386 and 489 law of Civil procedure Consul not notified as per article 48 law of 1870. I have called attention to these facts.

Lee.

COPIED FOR CONGRESS.

MAIL BUREAU REC'D SEP 16 1896 DEPT. OF STATE

TELEGRAM RECEIVED. Cipher

ASSISTANT SECRETARY SEP 16 1896 DEPARTMENT OF STATE.

From Colombia

September 15, 1896.

Assistant Secretary of State
Washington, D. C.

Received ____ M.

Confirmed Sept. 17.

I am pressing subject of my despatch No 123*. I have new confirmatory evidence of the murder. No reply yet.

Lee

* (Govm).

2D ASSISTANT SECRETARY.
SEP 16 1896
TELEGRAM BUREAU RECD. SEP 16 1896 DEPT. OF STATE

TELEGRAM RECEIVED.

Indexed
Con. Desp.
Cuba
Confirmed
Sept. 17th

From Havana,

September 15, 1896.

Assistant Secretary of State,

Received M.

Washington, D. C.

Tolon has been arrested without the warrant. He has been confined without communication 288 hours in violation of Article IV Spanish Constitution article 386 and 489 law of civil procedure. Consul not notified as per article 48 law of 1870. I have called attention to these facts.

L E E.

Mr Rockhill

I find the reference to the Law of 1870 in the volume of the Gaceta de Madrid The references to the Code of Civil Procedure if it be that for Cuba or Puerto Rico I do not find.

The Constitution of Spain the Library has not found

Taylor

The Alien law, July 4, 1870 is most conveniently found with Genl Sickles' despatch of July 6, 1870, transmitting it.

The present Spanish Constitution is bound up with Mr. Cushing's No. 1026 of July 8, 1876.

ADC

INDEX BUREAU
REC'D.
SEP 19 1896
DEPT. OF STATE

COPIED FOR CONGRESS.

File

ASSISTANT SECRETARY
SEP 19 1896
DEPARTMENT OF STATE

No. 130

U.S. Consulate General.

Havana, Sept. 16, 1896.

16

Mr. Lee

to the

Department of State.

Relative to the case of

Charles Govin.

1 Enclosure.

No. 130.

U. S. Consulate General.
Habana, Sept. 16, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge receipt of your despatch of the 15th instant directing me, if an answer has not already been received in the case of Charles Govin, to press for an immediate and satisfactory one. Previous to the reception

reception of your cablegram
I had addressed to the
Captain General a com-
munication, of which
I beg to enclose a copy,
and to which I have as
yet no reply.

It will be remembered
that) Manuel Fernandez
Chaqueito, now a prisoner
at the 'Cabaña" fortress,
testified that after the
battle was over he was
bound to Charles Govin
and slept with him
in the open air that
night at San Matias,
and that the next morning,
namely, July 10th, Govin
was

was untied from him
and tied to Arturo Adrian
or Alvarez, and taken
away.

As confirmatory of his
statement I find in a
letter from Havana,
published in "El Emparcial"
at Madrid, a copy of a
communication from an
insurgent of the same
party, whose name
appears to be Dr. Jorge Vega
y Lamar, which he had
written to his wife and
which had been captured,
and in the course of which, in
describing the military
movements, he says:

"Church

"about half way a
"cimaman was captured
"who gave out the place
"where some expeditioners
"were concealed, — of
"whom were found two
"corpses in the field,
"machetеados, (killed by
"the machete), which
"were identified as
"Charles Gorrie and
"Arturo Alvarez. The
"cimaman was
"caught, it is said,
"condemned to death,
"and shot in the act."

The man mentioned
as having been killed
with

with ~~riacheke~~ with Gorri it will be noticed is the same person Fernandez xxx stated he saw him tied to and which, therefore, Comes a strong corroboratory evidence of the truth of xx Fernandez' statement.

I am, Sir,

Very respectfully,
Your obt servgt,
Fitzhugh Lee
Consul General.

1 Enclosure:
No. 1 - Copy referred to.

Enclosure No. 1

With Despatch No. 130

HABANA, September 16, 1896.

Copy translation.

United States Consulate Geleral,

Habana, September 15th. 1896.

To His Excellency,

The Governor Captain General of the Island of Cuba.

Excellency:-

On the 29th. of August last, I had the honor to address a communication to Y.E. in reference to the American citizen Charles Govin. To the communication of the date designated no reply has been received.

I am instructed by the Department of State at Washington to press for a full investigation and a report on this matter.

I write, therefore, to ask whether any further investigation and report will be made, or whether it is proposed to rest the case so far as your Government is concerned upon your letter to me of the 24th. August in which it was stated that "it appears that in the several "excharges of shot had with the rebels at the Mountains "of San Martin, some prisoners were made, among whom appear-"ed, wounded, Charles Govin, who died in consequence of his "wounds".

I take this occasion etc.

etc. etc.

(Signed) Fitzhugh Lee.

Consul General

---------0---------

Fin

ASSISTANT SECRETARY
SEP 19 1896
DEPARTMENT OF STATE

No: 131.

INDEX BUREAU
REC'D.
SEP 19 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, Sept 16 1896.

Mr. Lee

to the

Department of State

Case of Oscar Cespedes.

One enclosure.

No: 131.

U. S. Consulate General.

Habana, Sept 16' 1896.

Hon: William W. Rockhill,

Assistant Secretary of State,

Washington.

D.C.

Sir:

With further reference to my despatches numbers 122 and 127, of the 10th and 12' instant, relative to the case of Oscar Cespedes, I have now the honor to transmit copy of a letter from Mr. Delgado, our Vice Consul at Matanzas,

respecting Cespedes' condition.

Mr. Delgado also informs this office of the telegram he received from the Department on the 11th and his answer of the 12th instant.

I am, Sir,

Very respectfully

Your obedient servant,

Fitzhugh Lee

Consul General

One enclosure:

1- Mr Delgado to Consul General Lee, Sept 11 1896.

ALL LINEN

Enclosure No. 1 -

With Despatch No. 131.

HABANA, September 16, 1896.

Copy.

Consulate of the United States of America,

Matanzas, Sept. 11th. 1896.

Fitzhugh Lee, Esq.,

U.S. Consul General,

Habana.

Sir:-

In order to keep that office fully posted on the case of Cespedes, I have been using all possible means within my reach to do so.

Last night I was informed that the head nurse at the jail had particular instructions from Military Authorities to bestow the best attendance upon Cespedes with the view to court martial and execute him as soon as fairly recovered. Also that the said authorities are endeavoring by all means to obtain a statement from Cespedes, regardless of his state.

He has also been thrust with bayonets on the arms by escort.

I am, Sir,

Your obedient servant,

(Signed) Fred. Delgado.

U.S. Vice Consul.

1894

---------O---------

ALL LINEN

INDEX BUREAU
REC'D.
SEP 19 1896
DEPT. OF STATE

COPIED, FOREIGN RELATIONS.

ASSISTANT SECRETARY
SEP 19 1896
DEPARTMENT OF STATE.

No. 132.

U. S. Consulate General.

Habana, Sept 16 1896.

Mr Lee

to the

Department of State,

Case of Samuel J. Tolon.

One enclosure

No: 132.

U. S. Consulate General.

Habana, Sept 16 1896.

Hon: William W. Rockhill

Assistant Secretary of State

Washington.

D. C.

Sir:

With reference to the case of Mr. Samuel J. Tolon, reported in my despatches numbers 116, 120, and 129 of the 5th 9th and 12th instant. respectively, I have now the honor to transmit herewith copy translation of a communication I addressed to the /

Governor General, yesterday
the 15th instant.

I also sent you the
following cypher telegram:
" Assistant Secretary of State.
" Washington, D.C.
" Tolon has been arrested
" without warrant, he has
" been confined without
" communication 288 hours
" in violation of art: 4th
" Spanish Constitution,
" articles 386 and 789 of
" Law of Criminal pro-
" cedure. Consul not
" notified as per article
" 48, Law of 1870. I have
" called attention to these
" facts. (signed) Lee.

I received yesterday evening your cypher telegram, reading:—

" Unless authorities can
" show that Tolon was arrested
" and removed from the
" vessel by due process of
" law in virtue of warrant
" and on criminal charge,
" you should demand that
" he be released and replaced
" on an outgoing vessel
" even if shown to have
" been so arrested with
" legal warrant. The
" failure to notify you
" constitutes
" ~~absence of abuse~~ serious
" breach of international
" obligation which would
" demand prompt and

" satisfactory explanation.

" (signed), Rockhill.

I will proceed to act upon the instructions of said telegram after giving due time for a reply to my aforesaid communication, which embraces the points covered in your cablegram.

I am, Sir,

Very respectfully

Your obedient servant

Fitzgerald

Consul General

Enclosure:

1- Consul Gen: Lee to the Governor General

September 15th 1896-

Enclosure No. 1

With Despatch No 132

HABANA, September 16, 1896.

Copy translation.

United States Consulate General,

Habana, September 15th. 1896.

To His Excellency,

The Governor Captain General of this Island,

etc. etc. etc.

Excellency:-

I have the honor to call Y.E.'s attention to the fact that Mr. Samuel T. Tolor, an American citizen, who was taken from the steamer "Seneca", of the Ward line, on the 3rd. instant, to which Y.E.'s attention was called in a communication from me on the 4th. instant, has been closely confined ("incomunicado") ever since.

I was informed by a communication from your Government dated the 5th. instant, that Y.E. would make inquiry into the circumstances connected with the case, and communicate further with me on the subject.

Mr. Tolor has now been in close confinement ("incomunicado") 288 hours at 4 o'clock this afternoon.

I respectfully protest against this procedure as in violation of the 4th. article of the Spanish constitution and articles 386 and 489, of the Law of Criminal Procedure ruling in Cuba and Porto Rico.

At this date, I know nothing of the charges against Mr. Tolor. He was taken from the inside of the steamship without a warrant and without any notice to me first, as required by Art: 48 of the Law of Spain relating to Foreigners, dated July 4th, 1870.

I am, etc

(Signed) FITZHUGH LEE.

Consul General.

INDEX BUREAU
REC'D.
SEP 19 1896
DEPT. OF STATE

Copy to President.
7/23/97.

Cuba &c.
Sept. 21.

ASSISTANT SECRETARY
SEP 19 1896
DEPARTMENT OF STATE.

No: 133.

U. S. Consulate General.

Habana, September 16th 1896.

Mr. Lee

Con Rpt
AK approved
to the Secretary's action
WR

Department of State.

Case of Alfredo Hernandez.

One enclosure.

No. 133.

U. S. Consulate General
Habana, Sept 16 1896

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D C.

Sir:

With reference to the case of the arrest of Mr. Alfredo Hernandez, an American citizen, which I reported to the Department in my despatch. No. 121. dated 9th instant, - I have now the honor to transmit copy-translation of another 1/

communication I addressed
yesterday, the 15 instant, to
the Governor General.

I am. Sir.

Very respectfully
Your obedient servant
Fitzhugh Lee
Consul General

One enclosure:
Consul Gen: Lee to Governor General Sept 15/96

Enclosure No. 1.

With Despatch No. 133.

HABANA, September 16, 1896.

Copy translation.

United States Consulate General,

Habana, September 15th. 1896.

To His Excellency,

The Governor Captain General of the Island of Cuba,

etc. etc. etc.

Excellency:-

I have the honor to call your attention to the arrest of Mr. Alfredo Hernandez y Huguet, a citizen of the United States, who was forcibly taken from his house, and closely confined ("incomunicado") ever since. Waiving for the present the peculiar and I believe unjustifiable means resorted to by the officers on making this arrest, it is my duty in this communication, to call your attention to the fact that Mr. Hernandez has been in close confinement for 216 hours at 11:30 A.M., which is in violation of the 4th. Article of the Spanish constitution, and Articles 386 and 489 of the Law of Criminal Procedure ruling in Cuba and Porto Rico.

At this date I know nothing of the nature of the charges against Mr. Hernandez.

I therefore respectfully protest against the procedure observed in the case of the American citizen, Mr. Alfredo Hernandez y Huguet.

I take this opportunity etc.

etc. etc.

(Signed) Fitzhugh Lee.

Consul General.

---------O---------

Enclosure No. 1 to Despatch No. 133.

HABANA, September 14, 1898.

Copy translation.

United States Consulate General,

Habana, September 14, 1898.

To His Excellency,

The Governor Captain General of the Island of Cuba,

etc. etc. etc.

Excellency:-

I have the honor to call your attention to the article of M. Alfredo Hevia y Hevia's citizen of the United States, who was forcibly taken from his house, and closely confined ("incomunicado") ever since. Article 287 of the Ley de Enjuiciamiento Criminal provides that I believe unless the person is released within three days from the receipt of the order of his arrest, it is the duty of the officer or keeper of the jail to report the communication to the Judge of the first Instance who need not be close confinement for six months. M.A. Otero, which is the violation of the 4th. Article of the Spanish constitution, and Articles 282 and 284 of the Law of Criminal Procedure

Until it came into Porto Rico.

At this date I know nothing of the return of the

Chevalier M. Hevia.

I therefore respectfully protest against the proceed-

ure observed in the case of the American citizen M.

Alfredo Hevia y Hevia.

I take this opportunity etc.

etc. etc.

(Signed) Fitzhugh Lee.

Consul General.

INDEX BUREAU
REC'D.
SEP 19 1896
DEPT. OF STATE

ASSISTANT SECRETARY
SEP 19 1896
DEPARTMENT OF STATE

No: 134. To Nathaniel Wilson Sept. 21.

U. S. Consulate General.

Habana. Sept 16 1896.

Con. Bur
Copy to Nathaniel Wilson

Mr. Lee

to the

Department of State.

Case of the claim of Rev: John Moore, Bishop of St. Augustine, Florida.

One enclosure.

No: 134.

U. S. Consulate General.
Habana, Sept 16th 1896.

Hon: William W. Rockhill,
Assistant Secretary of State
Washington.
D. C.

Sir:

With reference to the Department's instruction no 66, dated August 26th, relative to a claim made by the Rev: John Moore, Bishop of St. Augustine, Fla, for the rents and profits accruing from certain lots in this city, granted by His

Catholic Majesty, the King
of Spain, to the parochial
church of St. Augustine, Fla,
in the years 1756, and 1788,
and the accompanying
papers, and the instruction
to make a report concerning
the status of the property
referred to in said papers, —
I have the honor to state,
that convinced of the expense
and extraordinary labor that
would result to this office
in an attempt to obtain
the desired data, I turned
the matter over to Mr.
Leopoldo de Sola, a reputable
English-speaking lawyer of
this city, who has made a

brief examination into the
matter, without any charge,
and informs me of the result
of his inquiries in a letter
of which I herewith transmit,
a copy, to the effect that more
complete data must be
furnished, in the shape of
copies of all the documents
notes, &c, relative to the business,
and a sufficient sum of
money, which he estimates
at $250- Spanish gold, to
obtain the actual status of
the properties referred to.

Mr. Sola, does not offer to
do this work for that sum,
but I would respectfully suggest
that the parties interested

communicate directly with
him on the subject.

I am, Sir,

Very respectfully

Your obedient Servant,

Fitzhugh Lee

Consul General

One enclosure:

Mr. Leopoldo de Sola, to Consul
General Lee. Sept 11th 92

Enclosure No. 1

With Despatch No. 134

HABANA, September 16, 1896.

Copy.

Habana, 14th. September, 1896.

Fitzhugh Lee, Esq.,

Consul General of the United States,

Habana.

Sir:-

I have the honor to return to your hands all the documents you sent me regarding the claim made by Rev. John Moore, Bishop of St. Augustine, Florida, in behalf of the parochial church at St. Augustine, for the rents and profits accruing from certain lots in this city, which were granted by His Catholic Majesty the King of Spain to the said parochial church of St. Augustine, in the years 1755 and 1788. The documents which you have sent me, are not enough to give an idea about the claim. The Bishop of St. Augustine must send copies of all documents, etc, that he may have, so as to get a full possession of the matter. Without them it is impossible to state if the claim has to be brought before the Spanish Courts or if it has to be presented in a diplomatic way. With the idea of doing something in behalf of the claimant, I took note of the memorandum in relation to some of the properties claimed for in this city by the Parochial Church of St. Augustine, Florida, and which properties are:-

Houses numbered 61, 63, 65, 67, 69 Egido St., 39 and 41 Curazao St.- Several houses in Jesus Maria St., in Mercedes, Sol and Oficios Sts, and the building opposite the Cathedral.

Egido 61 is registered as the private property of

Enclosure No. 1

With Despatch No. 1871

MADRID, September 1, 1898.

Copy.

Madrid, September 1, 1898.

Sir:-

I have the honor to report of that I have received all the documents now sent me together with the claim made by Mr. Moore, Bishop of St. Augustine, Florida, in behalf of the Protestant Church in that city, which claim has to do with property belonging to the Protestant Church of St. Augustine, Florida, and which property is:-

Houses temporarily in use by Rev. Mr. Wilson as a residence and Church, and Lot No. 13 and 14 in Block 23, 24, 25, 26 and 29 Map of St. Augustine, Florida, and which property is now occupied by

Mr.Manuel Barcala and free of all encumbrances.

Egido 63 is registered as the private property of Mr. José Antonio and Mrs.Joaquina Clara Ochoa y Hernandez. This house recognizes a censo (ground rent charge) of $160. in favor of the Holy Sacrament of the Parochial Church of St.Augustine,Florida,and pays upon it,the interest of $8.00 per annum.

Egido 65 is registered as the private property of Mr.Martin Marticarena and recognizes a capital of $285. - 5% interest - in favor of the Parochial Church of St.Augustine,Florida.

Egido 67 registered as the private property of Mr.Julian Doroso,free of all encumbrance..

Egido 69 registered as the private property of Mr. Antonio Bruzon,free of all encumbrances.

Curazao 41 not registered.

The full materials for a report about the status of all the properties which are claimed,cannot be obtained without extraordinary labor and expense. Intelligent clerks must be employed,public deeds must be examined etc. and this,as you can easily think,can not be done without expense which must be paid by those directly interested in the subject matter. So with copies of all the documents notes,etc,in relation to this business and with the necessary expense,which I estimate in about $250. Sp.gold,to find out the actual status of the property referred to in this letter,any intelligent lawyer here may be able to give the desired report.

I am,Sir,

Your obedient servant,

(Signed) Leopo: de Sola.

---------O---------

---------0---------

(Signed) Peoples Realty Co.

Your obedient servant,

I am, Sir,

of the date of the report.

it will be necessary for you to submit the property referred to in your letter

of the 15th inst. and the Land Office at Montgomery will be advised

forest etc. in relation to this investment as soon as the neg-

otiations with the owner of the property are completed. Yours very

truly, Forest Service, By. R. Holt, Jr.

Enclosure

Referred to the Register and Receiver at Montgomery, Ala.

Referred to the Register and Receiver at Montgomery, Ala.

Referred to the Register and Receiver at Montgomery, Ala.

ASSISTANT SECRETARY
SEP 23 1896
DEPARTMENT OF STATE

INDEX BUREAU
REC'D.
SEP 22 1896
DEPT. OF STATE

No. 135.

To Navy Dept. 24.

U.S. Consulate General
Havana, Sept 17, 1896.

Mr. Lee

Consular Bureau
Sept 24
Navy

to the

Department of State.

Reporting amount of coal now here, public and private.

23:

No. 135.

U.S. Consulate General.
Habana, Sept. 17th, 1896.

Hon. W.W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to report that the amount of coal now here, public and private, is about 53.000 tons, of which the Government has 10.000 tons (Cardiff), and the Spanish Transatlantic Company some 28.000 tons.

tors.

I am, Sir,

Very respectfully,

Your ~~obedient~~ servant.

Fitzhugh Lee

Consul General.

ASSISTANT SECRETARY
SEP 23 1896
DEPARTMENT OF STATE.

No. 136.

INDEX BUREAU
REC'D.
SEP 22 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, Sept. 17, 1896.

File

Mr. Lee

to the

Department of State.

Cons Desp
Thanks for information with reference to the case of Jas. Ingraham

Relative to the sugar estate "Teresa", near Manzanillo, belonging to Messrs. J. Rigney & Co

2 Enclosures.

No. 136.

U.S. Consulate General.
Habana, Sept. 17, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my previous despatches numbers 76 and 82, of the 3d and 13th of August, and the Department's instruction no. 65 of the 24th August, relative to the sugar estate "Teresa," near Manzanillo, belonging to Messrs. J. Rigney & Co.,

I

I have to inform the
Department that in conse-
quence of a communication
from Mr. Rigney, dated
the 5th instant, of which
1/ I transmit a copy, and
a telegram from our
Consul at Santiago de
Cuba dated the 14th instant,
I addressed the Governor
2/ General, on the 16th of same,
on the line indicated
by Mr. Rigney's letter, res-
pecting the willingness
of the estate to raise block-
houses and maintain a
number of troops at its
own expense, for its
protection, and also
to

to put up a store well stocked with supplies for said garrison and the working force of the estate.

I also communicated the substance of the telegram respecting the houses burned on the estate, and that if troops were not reinstated, the place would be a total loss.

I am, Sir, very respectfully,
Your obedient servant,
Fitzhugh Lee.
Consul General.

2 Enclosures:
No. 1 - Mr. Rigney to Mr. Lee.
" 2 - Mr. Lee to the Gov. Genl.

CRANE'S

Enclosure No.1.

With Despatch No.136

HABANA, September 17, 1896.

Copy.

Manzanillo, Sept. 5th. 1896.

Fitzhugh Lee, Esq.,

Habana.

Sir:-

I beg to report what has taker place - since I came Back from Habana - in connection with the affairs of the Estate "Central Teresa".

On my return to this city, I went before General Bosch with Captain General Weyler's pass. Gen'l. Bosch referred me at once to the Comandante Militar of the city with the remark that any petition or communication I wished to reach him should be put in writing through the said Comandante.

I presented Gen'l. Weyler's pass to this Comandante Militar. His reply was to the effect that no vessels would be allowed to touch at the unprotected points of the coast,- in which condition was Ceiba Hueca, - but that I would be allowed to go by land with 8 persons and provisions for 15 days. To this I answered on the following day that as no guarantee was assured me of protection for self and the parties who would accompany me, I could find no one willing to go with me, and risk the danger to life and property which would result by going by land from Campechuela or San Ramon to my plantation. And that I should be compelled to abandon my property unless I were allowed to land at Ceiba Hueca and proceed thence, as the only way of communication with my estate.

On the 31st. of August, after many efforts, I succeeded in securing three men willing to visit the estate by the way of San Ramon, to look into the condition of things there and report to me on the same day. These men's report confirmed about all that I reported to you personally in

HABANA: everything portable had been carried away from my dwelling house, the houses and stores around the "batey", the work-shops, etc, besides all the cattle, horses, mules, etc, etc

On the 1st instant I presented a petition asking for a pass for three men and to take provisions to the Estate in the way therein suggested, in order to enable these men to remain on the place and watch over it and save it if possible from further destruction. Although I have been promised the granting of the pass and salvo-conducto and I expect to get it soon, I regret to say that up to the present, it has not reached me, much to my annoyance and possibly to some more loss.

As the Government will not even allow any vessel to approach the wharf or our estate, and as no protection of any kind whatever is being offered to my men or estate, these men have to take their chances while they travel from Campechuela to Ceiba Hueca and whilst they remain on the estate.

Every effort that outside influence of a friendly character could be brought about in order to regain that protection from the Government which is necessary for me to take proper care of our property and prepare myself for the coming crop has proved of no avail. I have exhausted every means of obtaining that protection and I am now convinced that no headway can possibly be made here untill conditions have changed entirely and new men come into power and a new policy is established.

On August 26th, I received a cablegram from Mr. HUGH KELLY of New York, reading : "Minister cables Habana favorably behalf Ceiba Hueca". There seems however no action has been taken by Gen: Weyler as there is no indication here of any favorable movement in behalf of our estate.

You will no doubt recollect that Gen: Weylet told us that all these sugar plantations would be devoid of protection just as ours has been since July 27th. Allow me to inform

you that up to now, all of them continue enjoying the same protection thay have had from the beginning, ours being the only one discriminated against.

To explain my long silence notwithstanding the awful predicament in which I have been all this time, I must state that when I found that Gen: Weyler's pass, (which you saw,) proved to be simply useless in affording me the relief I expected to derive from it, my friends tried to get in an amicable manner some sort of protection or hopes for some. It is now plain to me, after witnessing their failure, that I can go no further for the present here.

Without anything further at the moment,

I remain, etc,

(Signed) Joseph Rigney.

CRANE'S
1894
ALL LINEN

Enclosure No. 2.

With Despatch No. 136

HABANA, September 17th. 1896.

Copy translation.

United States Consulate General,

HABANA, September 16th. 1896.

To His Excellency,

The Governor Captain General of the Island of Cuba,

etc. etc. etc.

Excellency:-

I regret to inform Y.E. that I have received a telegram from the United States Consul at Santiago de Cuba, to the effect that all of the houses situated east of the mill of the estate (batey) "Teresa", in Manzanillo belonging to Messrs. J. Rigney and Co., had been burned, as also the adjoining colonia, and that if it could not again count upon the protection of the troops, said estate was in danger of complete loss.

I beg to refer to the interview I had with Y.E. about the 12th. of August last, in which I was accompanied by Mr. J. Rigney, one of the owners of said plantation "Teresa", and relating to the same subject: namely the withdrawal on the 27th. July of the detachment of troops stationed on the estate for its protection, and which Y.E. stated had been done in obedience to your superior orders, for strategic purposes; as also, that the owner might, in accordance with the regulations on the subject, ask for the forces he believed necessary for protection, at his own expense; however; and Y.E. also was pleased to furnish Mr. Rigney, a pass or salvo-conducto to return to his plantation.

I have now to inform Y.E. that according to the advices I have received from Manzanillo, the pass granted by Y.E. did not have the desired effect, for the reason that the orders in force would not allow any vessel to touch at points upon the coast, unless such had been properly

fitted,or protected by forces of the army,in which case, was the landing Ceiba Hueca; and that for Mr.Rigney to reach his plantation by land was dangerous to his life and interests,as there was no protection whatever left in the said estate.

Moreover it appears that the said plantation is the only one lacking the protection of the Government forces from the 27th.last,notwithstanding Y.E.had stated that it was your intention to also withdraw the detachments stationed in the plantations adjoining.

Consequently,as I am informed by Mr.Rigney,one of the owners of the said estate,the estate being now unprotected is menaced with partial or total destruction in addition to the losses it has already suffered; and th therefore,the estate is willing to put up at Ceiba Hueca one,two or three fortines (blockhouses) capable of holding eight men each,and to be situated at such places that the military authorities may point out.

That the estate will also open a store well stocked with all such provisions that the garrison forces and the men working on the plantation may require,said store to be so situated that it could be always under the vigilance of the soldiers.

Thereby Mr.Rigney believes that he would prove as time went on,that all that had been said against Ceiba Hueca and the management of the estate "Teresa", was due to vile calumny.

I take this oportunity, etc. etc.

etc. etc. etc.

(Signed) Fitzhugh Lee,

Consul General.

ASSISTANT SECRETARY
SEP 24 1896
DEPARTMENT OF STATE.

No: 137.

INDEX BUREAU
REC'D.
SEP 23 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, Sept 17 1896.

Rec'd Sept. 26.

Mr. Lee, 1

to the

Department of State.

Case of Pedro Duarte,
still imprisoned at Isle de Cuba

One enclosure.

No: 137.

U. S. Consulate General.

Habana, September 17 1896.

Hon: William W. Rockhill,

Assistant Secretary of State

Washington.

D. C.

Sir:

I herewith transmit a copy of a letter received from Mr. Hyatt, our Vice Consul at Santiago de Cuba, relative to Mr. Pedro Duarte, whose case was reported in my despatches No. 64, of July 23d and No. 83. of August 4th.

Mr. Hyatt states that

Duarte, whose release was ordered upon the condition of his leaving the Island, is without funds and consequently remains incarcerated.

Mr. Hyatt has no government funds at his disposal to pay Duarte's passage to the United States; there are no Americans upon whom he can call to subscribe towards such relief, and it is a constant drain upon his private means to advance such relief to destitute citizens.

It is extremely doubtful if this Government would consent to the alternative

Mr. Hyatt suggests, — to allow Duarte his liberty without leaving the Island.

I have already called your attention to the subject of affording relief in such exceptional cases, at the time James F. Quinn and Samuel McNally — expeditioners of the "Laurada", who had presented themselves at Nuevitas, been forwarded to this port by our U. S. Consular Agent, — were by me sent to New York; — this office was indebted then for their passage to the kindness of the Agents of the Ward Line of steamships, Nidelgo & Co.

I am, Sir,

Very respectfully

Your obedient servant

Consul General.

Enclosure:

Mr. Hyatt to Consul General

Lee, September 1 '82

Enclosure No. 1.

With Despatch No. 137.

HABANA, September 17th. 1896.

Copy.

United States Consulate,

Santiago de Cuba, Sept. 12th. 1896.

Fitzhugh Lee, Esq.,

U.S. Consul General, Habana, Cuba.

Sir:-

I have the honor to inform you that Pedro Duarte, citizen of the United States, imprisoned at Manzanillo, whose release has been ordered provided he leaves the Island, is without funds to go, and consequently remains incarcerated.

The government makes no provision for citizens who may be destitute other than seamen and I have been drained so constantly to help others that I cannot afford to pay this fellow's passage, and no Americans are here who could be called upon to make up the amount necessary to pay fare.

In view of which I am at a loss what to do unless to appeal to you to request the government to allow the prisoner his liberty without departing from the Island.

Very respectfully,

Your obedient servant,

(Signed) John F. Hyatt.

Enclosure No.

With Despatch No.

MOBILE, September 17th, 1861.

Copy.

Captain Alfred Gibbs Crosman,

Commanding U.S.S. "Brooklyn",

Pensacola Bay, Fla.

Sir:-

I have the honor to inform you that Fort Pickens,

situated on the United States Island of Santa Rosa,

where reveille and tattoo are beating and the flag

proudly floats, is without guard or sentinel.

It is with no small degree of mortification

that I am compelled upon to make up the amount necessary

to be called upon to make up the amount necessary to pay

this letter, a transcript of which I send to the

Department.

The Government makes no provision for citizens who

may be desirous of leaving the country when I have good grounds

to believe that I cannot with safety to my person

remain.

I have the honor to remain, Sir, your obedient servant,

(Signed) John H. Hayes.

COPIED FOR CONGRESS.

No. 138.

INDEX BUREAU
RECD.
SEP 22 1896
DEPT. OF STATE

U.S. Consulate General
Habana, Sept. 18, 1896.

Rec'd Sept. 25.

Mr Lee

to the

Department of State.

Relative to the death of the American citizen, Mr Charles Govin.

1 Enclosure.

No. 138.

U.S. Consulate General.

Havana, Sept. 18th, 1896.

Hon. W.W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I have the honor to submit herewith the translation of an official communication from the Spanish Government on this Island embodying a report as to the fate of Mr. Charles Govin, an American citizen, from an

1/

an officer of the Spanish Army to Captain General Weyler, who in turn reported it to Governor General Weyler. The name of the officer making the report is not given or the place where Govin is said to have died in consequence of wounds.

It will be observed that this is a communication in reply to one from me to General Weyler dated the 29th of August, a copy of which has been duly forwarded to the Department. In that communication I had

the

the honor to say that the account of Gomez's death was not satisfactory and did not conform to the information in my possession. It will be seen that the enclosed report of the Captain General to the Governor General is a reiteration of his former communication.

I do not think that anything more can be obtained from the Spanish authorities here, the Captain and Governor General evidently does not propose to go behind the report of his subordinate in the field.

The

The Department is in
possession of all the facts
in the case; if in any
way the matter could
be submitted to a dis-
interested committee or
board of arbitration I am
quite sure that it will
be ascertained to the satis-
faction of said board or
Committee that Charles
Govin was murdered after
being duly captured in
an engagement between
the Spanish troops and
the insurgents, and that
he was not wounded in
the fight proper, but died
from wounds inflicted
afterwards,

afterwards, and which were inflicted to kill him and accomplish the purpose.

I respectfully submit this matter to the consideration of the Department

I am, Sir,

Very respectfully,

Your obedient servant

J. Fitzgerald Talbot

Consul General.

1 Enclosure:

No. 1 - The Gov. Genl. to Mr. Lee.

Enclosure No.1.

With Despatch No. 138

H A B A N A , September 18th,1896.

Translation.

General Government of the Island of Cuba.

Office of the Secretary General.

To the Consul General of the United States.

Present.

Sir:-

His Excellency the Captain General reported yesterday to the Governor General as follows:

Excellency: His Excellency the General in command of "the 3rd Brigade of the 2nd Division of the 3rd Corps of "the Army of this Island,under date of the 25th ultimo, "reports to me as follows: 'Excellency: In answer to the "two respectable communications of Y.E.of the 23rd inst, "relative to the information requested by the Consul Gen- "eral of the United States regarding the American citizen "Mr.Charles Govin, I have the honor to inform Y.E.that "the said person was made a prisoner,after having been "seriously wounded in the engagement of the 9th of July "which took place in the mountains of Don Martin,and that "he died in consequence of his wounds on the following "day upon being taken to this place,as I had the honor "to inform Y.E.in the report of said engagement dated July 11th,No.197,in the list of prisoners made that day; "and consequently, the private information furnished to "said Consul is without foundation or perhaps it has been "maliciously furnished by persons dis-affected to the "good name of the Spanish Army."-

By order of H.E. I transmit to you the above in answer to your Communication of the 29th ultimo relative to the matter.

God guard You many years. HABANA 15th Sept,1896.

(Signed) El Marques de Palmerola.

3rd. ASST. SECRETARY. OCT 7 1897

ASSISTANT SECRETARY SEP 23 1896 DEPARTMENT OF STATE

Mr Taft

To Madrid Sept 24 '96

No: 139.

U. S. Consulate General

Habana, Sept 18 1896.

INDEX BUREAU REC'D. SEP 22 1896 DEPT. OF STATE

Mr. Lee

Rec'd Dept. 22.

to the

Department of State.

DIPLOMATIC BUREAU. SEP 23 1896

Refusal of Government to allow shipment of tobacco, shown by letters from Messrs Pendas Montes & Co. and Federico Baurriedel & Co

Two enclosures

No: 139.

U. S. Consulate General
Habana, Sept: 18th 1896.

Hon: William W. Rockhill.
Assistant Secretary of State,
Washington.
D. C.

Sir:

With reference to previous despatches, respecting the refusal of this Government, under General Weyler's decree of May 16th last, to allow the shipment of certain tobacco claimed to belong to American owners and purchased

prior to the publication
of said decree, I transmit
herewith for the consideration
of the Department, copy of
a letter of protest, dated
11th instant, addressed to
this office by Messrs Bridat
Montros & Co, of this city
as agents and representa-
tives of Messrs Seidenberg
& Co, an American firm
of tobacco manufacturers
situated in New York
and Tampa, with a branch
store house in this city.

1/

I also transmit copy of
a similar letter dated 18th
instant, received from Messrs
Federico Pauriédel & Co of this city.

2/

I

I have the honor, Sir.
to be your obedient servant
Hugh Wallace
Consul General.

2 Enclosures:
Messrs Bridat Mentro & Co to
Mr Lee. Sept 11th
Messrs Federico Pauriedel & Co
to Mr Lee, Sept 18th

Enclosure No. 1.

With Despatch No. 139.

Habana, September 18., 1896.

Copy.

BRIDAT, MONT'ROS and COMPANY.

HABANA, 11th. September, 1896.

To the Honorable Mr. Fitzhugh Lee,

Consul General of the United States of America,

Habana.

Sir:-

We the undersigned as representatives and agents of Messrs. Seidenberg and Co., American manufacturers established in New York and Tampa, with a deposit warehouse in Habana used only to store the tobacco which they buy for their manufactures of Tampa and New York, call on you as Consul General of the United States of America, to manifest you that following our usual way of buying, we had four employees or buyers in the country purchasing for our account at the expense of large sacrifices, risks and heavy outlay due to the abnormal circumstances which prevail actually in our Island. All our purchases were made prior to the decree of the Captain General, Governor of the Island, dated on the 16th. May last, and we have invested a large sum of money in the tobacco purchased, all of the 1896 crop, and have the respective vouchers to justify the date of payments made to the respective planters.

We could not ship the tobacco within the ten days allowed by the Gevernor General because at that time it was raw and in burdles as bought from the farmers and could not be put in condition to be shipped, as first was necessary a course of manipulation called packing by the trade which includes fermenting, moistening, assorting, re-assorting and baling: these processes require a long time, say between two or three months.

It is plainly visible that we could not make the

1894
ALLEN LINEN

exportation of our tobacco within the ten days allowed by the decree and the inability to export it after that date is a damage to our interests and capital invested,in a marked degree,as we have carried this business sheltered by laws that protected us and insured the outlet of said goods.

On the 22d.August last we made application to the Intendente General de Hacienda for the shipping of the tobacco we hold in stock,informing him we could prove by the vouchers we hold in hand that the tobacco was purchased before the decree,and we were disposed to furnish any proof considered necessary,but on the 29th.of August said authority answered refusing to allow the shipment,basing the refusal that we could not submit any legal contracts to prove the purchases made

It is a well known fact that no legal or notarial contracts are made for purchases made in cash,and consequently the refusal is not well based,and is simply an excuse to avoid acceding to our petition.

In our right as Citizens of the United States of America we protest most emphatically against the enforcement of the decree cited and the money damages caused to us thereby reserving all rights as to damages.

We remain,Sir,

Your most obedient servants,

(Signed) SEIDENBERG and CO.

(Signed) BRIDAT MONT'ROS and CO.

1894
ALLEN LINEN

Enclosure No.2.

With Despatch No.139.

HABANA,September 18th.1896.

Copy.

HABANA,September 18th.1896.

Fitzhugh Lee,Esquire,

Consul General of the U.S.at Habana.

Sir:-

At the time of the publication of the decree prohibiting the exports of tobacco from Habana and Pinar del Rio Provinces,we had the honor to address your predecessor,Mr.Ramon O.Williams,showing that previous to same we had bought for account of American importers and manufacturers such tobacco,which owing to being green at the time could not be shipped within the 10 days allowed by said decree.

Mr.Williams informed us that the Secretary of State had advised him,that the U.S.Ambassador at Madrid had received assurances that existing contracts would be respected.

By the time the tobacco was ready to be shipped,on the 19th.July,after consulting the Consulate General,we addressed a memorial to the Captain General to give instructions to the Customs authorities to allow it to be exported,accompanying copies of our contracts with the American parties,made before a Notary Public and duly legalized by the Spanish Consul at the respective places. Under date of 26th.of August we received answer denying our petition.

As this official communication seemed to rest chiefly on the grounds of not considering the existence of the tobacco proven,we again addressed the Governor of the Island on the 31st.of August offering to produce such proof and on the 10th.of this month we submitted it in

form of a declaration before notary public and testified to by witnesses,who as buyers for us or having baled the tobacco,could testify to our statement.

A further communication dated 15th.inst.again denies permission to export,saying that the proof offered would always result beyond the term fixed by the decree for exports.

We must conclude from this that the local authorities will take no steps to fulfill the promise,given at Madrid in accordance with treaty obligations of long standing,and therefore,take the liberty to address you asking for protection of our interests and of those of our correspondents in the U.S.

We also solemnly protest in their behalf and our own against the expenses incurred and to be incurred and all possible damages that may come to the merchandise in question.

To show the possible extent such damages may reach, we beg to call attention to a subsequent decree,which makes it obligatory to base all commercial transactions on Bills of the Spanish Bank of Habana (an institution which twice already failed to fulfill its obligations in similar cases) which Bills are at a discount a few days after part has been thrown on the Market,and the value of which is doubtful to say the least; furthermore the inability the Spanish armed forces have shown to protect property in the country and in towns against destruction by Cuban forces,which state of affairs may or may not extend sooner or later to the city of Habana.

The prohibition of exporting tobacco,lawfully acquired by American citizens,the amount of which in our case amounts to the sum of about $300,000.,may therefore become equivalent to a confiscation and total loss of this American property.

Hoping you will oblige us by giving this matter your

knid attention and take the necessary steps to protect our rights,we remain,dear Sir,

Most respectfully,

(Signed) FEDERICO BAURIEDEL and Co.

18 V 94

ALL LINEN

CRANE'S

COPIED FOR CONGRESS.

fee

No. 140.

INDEX BUREAU
REC'D.
SEP 23 1896
DEPT. OF STATE

U.S. Consulate General,

Habana, Sept. 19, 1896.

Mr. Lee

to the

Department of State.

Confirming and acknowledging receipt of a telegram.

No. 140

U.S. Consulate General.
Habana, Sept. 19th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I beg to acknowledge the receipt of your telegram of the 15th instant reading:

"Your 123 received.
"Is answer you expected
"received? If not,
"press for immediate
"and satisfactory one."

To which I answered

on

on the same day as
follows:

'Assistant Secretary
'of State,
'Washington, D.C.

'I am pressing
'subject of my despatch
'No. 123. I have now
'confirmatory evidence
'of the murder. No
'reply yet.'

I am, Sir,
Very respectfully,
Your obt. servant
Fitzhugh Coles
Consul General.

ASSISTANT SECRETARY
SEP 24 1896
DEPARTMENT OF STATE

Copy
File

No. 141.

INDEX BUREAU
REC'D.
SEP 24 1896
DEPT. OF STATE

U.S. Consulate General,
Habana, Sept. 19, 1896.

Mr. Lee

to the

Department of State.

Enclosing an article from 'La Lucha'.

1 Enclosure

No. 141.

U.S. Consulate General.
Havana, Sept. 9th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

With reference to several reports published in the American newspapers, regarding my treatment by the Spanish authorities in respect to visiting American prisoners etc., I beg to transmit a translation of an article in to-day's "Lucha." 1/

I am,
Sir,

Sir,

Very respectfully,
Your obt servant,

Consul General.

1 Enclosure:
No. 1 - Translation referred to.

Enclosure No. 1

With Despatch No. 141

HABANA, September 19, 1896.

Translation.

From LA LUCHA, of Habana, September 19.1896.

MR. LEEand GENERAL WEYLER.

In view of the insistence with which several American newspapers publish repotts, which seem to us incorrect, regarding the tightness of relations between the Consul General of the United States and this Island, General, Mr. Fitzhugh Lee, and the Governor and Captain General, Mr. Weyler, a reporter of LA LUCHA called on Mr. Lee yesterday afternoon, and held with him the following interview:

Being asked if the reports published by certain American newspapers regarding a notice said to have been posted by order of Gen'l. Weyler at the fortress "Cabañas" commanding the detention there and arrest of Mr. Lee, in case he should visit that fortress, were true.

Also, in regard to the frequent reports inserted in the newspapers of the United States, relative to the fact that Mr. Lee was not allowed to visit the American prisoners in the fortresses situated near Habana, preventing him, thereby, from ascertaining the health and condition of daid prisoners.

These two questions Gen'l. Lee answered, with his usual courtesy, as follows:

"A few days after my arrival at Habana, at the invi-
"tation of my predecessor, Mr. Williams, I accompanied him
"on a visit to the prisoners of the Schr. "Competitor", con-
"fined at the fortress "Cabañas".

"A few days afterwards, I heard that the law did not
"permit foreigners to visit military forts during this time,
not even on visitor's day, and that the Governor of the

"Cabañas" had been reprimanded by General Weyler,on ac-
"count of having allowed me to make the visit referred to.
"The officer in question excused himself,stating that the
"subordinate officers on duty at the entrance of the fort-
"ress did not know me,but supposed that I was one of the
"visitors who had a right to enter the castle on visitor's
"day.

"As a precautionary measure and in order to avoid a
"repetition of this occurrence,the Governor of said fortress,
"as I have heard,posted a notice in one of the guard rooms
"ordering the officers to arrest and detain me,if I pre-
"tended to enter the fortress again. When I was informed
"of this notice,I immediately called the attention of Gen'l.
"Weyler to it,who with great alacrity caused its disap-
"pearance and,as I am informed,reprimanded the person who
"had the same posted.

"In reference to the report that I am not permitted
"to see the American prisoners,and that this prohibition is
"not equally applicable to the Consuls of other nations,I
"I desire to state that everything connected with this
"is incorrect.

"I,or whoever I may designate,can see any or all the
"American prisoners,on any day which I may consider conve-
"nient,by simply advising one day before hand the Chief or
"officer in command of the fort. Subsequently,Gen'l.Weyler
"ordered that the Chief or officer in command should trans-
"fer the prisoners in question to a certain place,where
"they could be seen and spoken to privately,if necessary.
"Only but yesterday,one of my subordinates went to the "Cabañas"
"and visited and conversed with the American prisoners
"of the Schr."Competitor",distributing among them a sum of
"money which had been remitted to me for their necessities,
"likewise a voluminous package of American newspapers.

"In strict justice to Gen'l.Weyler I have to add in
"connection with these facts,besides,that I do not know
"of a single case in which any distinctions have been

CRANE'S

"made against the Consul General of the United States,who "has been and is now,in the enjoyment of all the rights "to which the Consuls of other countries are entitled.

"And how could it be otherwise?" added Gen'l.Lee, "when Gen'l.Weyler has ever fined a Habana newspaper for "using offensive language against the American Consul "General!"

"With the foregoing statement things will remain in their real place,not being the best that that corresponds to those newspapers who are careless enough to publish the most stupenduous and absurd reports,regarding facts unknown to the country where they are supposed to have occurred,and ever knowing that they are to be denied.

----------0----------

1894

ALL LINEN

CRANE'S

Enclosure No. 1
with Dispatch No. 141
Habana, September 19. 1896.

LA LUCHA

19 de septiembre de 1896.-

Mr. LEE
Y EL GENERAL
WEYLER

En vista de la insistencia con que varios periódicos americanos publicaban en sus columnas relatos que, desde luego, nos parecían inexactos, sobre la tirantez de relaciones entre el Cónsul General de los Estados Unidos de América en esta isla, general Mr. Fitzhugh Lee y el Gobernador y Capitán General, señor Weyler, un redactor de LA LUCHA visitó ayer tarde á Mr. Lee, preguntándole:

Si era cierto lo publicado por algunos periódicos americanos, acerca del aviso que se decía había hecho fijar el general Weyler en la Cabaña, ordenando que se le arrestara y detuviera allí, si visitaba esa fortaleza.

También le preguntamos sobre los frecuentes informes insertados en los periódicos de los Estados Unidos, relativos á que no se le permitía visitar á los prisioneros americanos encarcelados en las fortalezas situadas cerca de la Habana, no pudiendo, por tanto, enterarse de la salud y condiciones en que se hallaban los dichos prisioneros.

A estas dos preguntas contestó el general Lee, con su acostumbrada amabilidad, de la siguiente manera:

«Pocos días después de mi llegada á la Habana, por invitación de mi antecesor, Mr. Williams, le acompañé á hacer una visita á los presos de la goleta «Competitor», confinados en la Cabaña.

«Algunos días después oí que las leyes no permitían que los extranjeros visitaran los fuertes militares en esta época, ni aún en los días señalados para visita, y que el gobernador de la Cabaña había sido amonestado por el general Weyler, por haberme permitido hacer la visita referida. El jefe en cuestión se excusó, expresando que los oficiales subalternos, de servicio en las puertas de la fortaleza, no me conocían, pero que snpusieron que yosería algún visitante con derecho á entrar en el castillo en tales días de visita.

Como medida de precaución, y con objeto de evitar un hecho de esa naturaleza en lo adelante, el gobernador de la Cabaña, según oí, hizo fijar un aviso en uno de los cuerpos de guardia, ordenando á los oficiales que me arrestaran y detuvieran si yo pretendía, de nuevo entrar en la fortaleza. Cuando me enteré de este aviso, en seguida llamé sobre él la atención del general Weyler, y él, con la mayor prontitud, lo hizo desaparecer y, según se me ha informado, reprendió al que lo hizo fijar.

«En lo referente á las noticias de que no se permite que yo vea á los prisioneros americanos, y que esta prohibición no es igualmente aplicable á los cónsules de otras naciones, deseo que conste que todo lo que se refiere al particular es inexacto.

«Yo, ó algún delegado mío, podemos ver á cualquiera ó á todos los presos americanos, en cualquier día que lo considere conveniente, simplemente enviando aviso, la tarde antes, al jefe ú oficial que mande el fuerte. Hecho esto, el general Weyler dispone que el oficial ó jefe haga trasladar los presos que se hayan expresado, á un lugar determinado, donde se les pueda ver y hablarles en particular, si es necesario. Sin ir más lejos, ayer, uno de mis subordinados fué á la Cabaña y vió y conversó con todos los presos de la goleta «Competitor,» distribuyendo entre ellos una cantidad en efectivo que, para sus necesidades, se me había remitido, así como un voluminoso paquete de periódicos americanos.

«No creo que haga otra cosa que extricta justicia al General Weyler al relatar estos hechos, debiendo añadir, además, que no sé de un solo caso en que haya hecho distinciones en con-

tra del Cónsul General de los Estados Unidos, el cual ha estado y está ahora, en el goce de todos los derechos de que disfrutan los Cónsules de otros países.

«¡Y cómo no,' añadió el General Lee, si el General Weyler hasta ha multado un periódico de la Habana¡ por usar lenguaje ofensivo contra el Cónsul General Americano!»

Con las manifestaciones tan expresivas que preceden quedarán las cosas en su verdadero lugar, no siendo el mejor el que corresponde á esos periódicos que no se cuidan de publicar las más estupendas y absurdas noticias, ignoradas en el país donde se suponen ocurridos los hechos, y aún sabiendo que han de ser desmentidas.

CRANKS

(E



Telegram.

Havana, Sept. 21, 1896.

(Rec'd 7.10 P/m.)

Assistant Secretary of State,

Washington,

D. C.

Your despatch of the 15th directing me to demand the release of Tolon if the authorities cannot show he was arrested according tolaw in accordance with warrant. Authorities say that the country being in state of war suspends constitutional guarantees and (is) contrary to law. Do not think applies to a citizen of the U. S. Unless otherwise instructed will demand the release of prisoner, criminals or persons guilty ordinary crimes. According to article 48, Spanish law does not embrace political offense charged against prisoner.

Lee.

INDEX BUREAU
REC'D.
SEP 25 1896
DEPT. OF STATE

Habana
Sept. 21. 1896.
(Rec'd. 8 40 P/m)

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

ASSISTANT SECRETARY
SEP 25 1896
DEPT. OF STATE

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:
LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	RECD BY	No. OF WORDS.	FROM
210	C	Rt	39	Havana Gr

RECEIVED at 837 P Sept 21

Sept 21 Assistant Secretary State
Washington DC

Ramon Rodriguez naturalized citizen arrested here yesterday requisitioned governor Matanzas Charge treason Jose Curbino naturalized citizen arrested at rincon eighteenth upon surrender to military authorities without arms

Lee

Confirmed Sept 25 1896

INDEX BUREAU
REC'D.
SEP 24 1896
DEPT. OF STATE

Habana,
Sept. 19. 1896.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:
LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.
LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.		FROM
223	a	Bs	31	US Govt	Horana

Confirmed Sept. 23.

RECEIVED at Washington DC Sept 19 1896

Sept 19 assistant Secretary of State
Washington DC

I report in conformity your number 78 that Jose a munoz native american citizen arrested matanzas: Eighteenth instant no particulars yet.

Lee

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE

No. 142

INDEX BUREAU
REC'D.
SEP 26 1896
DEPT. OF STATE

U.S. Consulate General.

Havana, Sept. 21, 1896.

Mr. Lee

to the

Department of State.

File

Transmitting a circular from General Weyler.

1 Enclosure.

No. 142.

U. S. Consulate General.
Habana, Sept. 21st, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I beg to enclose for the information of the Department a copy-translation of a circular from General Weyler, published in "La Region" of Matanzas on the 16th instant. 1/

I am,
Sir,
very

Very respectfully,

Your ~~obedient servant~~,

Consul General.

1 Enclosure.

No. 1 - Copy referred to.

Enclosure No.1.

With Despatch No.142.

H A V A N A , September 21,1896.

TRANSLATION.

CIRCULAR.

ARMY OF OPERATIONS OF CUBA. OFFICE OF THE STAFF/

Wherever a town of this Province is fired upon, the military commander will ascertain if in such town or in its vicinity there are wives or children of persons who are in the insurrection, and if so the said military commander will order the said wives or children to leave the town.

Habana, 10 Sept., 1896.



Enclosure No. 1
With Despatch No. 142.
Habana, September 21. 1896.

LA REGION.

DIRECTOR PROPIETARIO:—Benito A. de Lagc.

Matanzas 16 de Septiembre de 1896.

CIRCULAR.

Ejército de operaciones de Cuba
Estado Mayor General.

Siempre que sea tiroteado un poblado del territorio de esta Provincia, se averigurá por el comandante militar ó de armas del mismo, si existen en aquel ó en sus alrededores mujeres ó hijos de individuos que estén en la insurrección, para en caso afirmativo, disponer desde luego dicho comandante la salida de la provincia de las referidas mujeres ó hijos.

Habana 10 de Septiembre de 1896.

Valeriano Weyler.

TELEGRAM RECEIVED.

From Havana

September 22, 1896.

Received M.

Assistant Secy of State
Washington, D.C.

Referring to my despatch of yesterday the first article of the protocol prevents suspension mentioned by the authorities.

Lee

Copy to President 7/23

ASSISTANT SECRETARY
SEP 29 1896
DEPARTMENT OF STATE

No. 143.

INDEX BUREAU
REC'D.
SEP 26 1896
DEPT. OF STATE

U. S. Consulate General.
Habana, Sept. 22d, 1896.

Mr. Lee
to the
Department of State

Relative to the arrest
of Mr. Alfredo Hernandez.

1 Enclosure.

No. 143.

U.S. Consulate General.

Habana, Sept. 22, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

With reference to my despatches nos. 121 and 133 of the 9th and 16th instant, respectively, relative to the arrest of Mr. Alfredo Hernandez Huguet, I transmit herewith copy 1/ translation of a communication from the

Governor

Governor General informing me that he had resolved to expel Mr. Hernandez from the Island.

In attention to my request, the Governor General has ordered the release of Mr. Hernandez, in order to arrange family and business matters, until tomorrow, when it is expected he will leave for Key West.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

1 Enclosure: Copy referred to.

Enclosure No.1.

With Despatch No. 143.

HABANA, September 22, 1896.

Copy translation.

GENERAL GOVERNMENT of the ISLAND of CUBA.

PUBLIC ORDER.

In reply to your polite official communication of the 15th.instant relative to the arrest of the American citizen, Mr.Alfredo Hernandez Huguet, I have the honor to inform you, that the country being in a state of war, and therefore all constitutional guarantees susperded, there has been no violation of any precept of the Spanish fundamental code, nor of the law of criminal procedure, in proceeding to make the arrest and prolonged incommunication of said person; nor on the other hand did the officers charged with making the search which was carried out at his residence, make it of their own accord but by order of the authority which had proofs of the acts of treason of Mr.Hernandez, and without the fact of the search by itself adducing such proof.

At the same time I must make known to you that the proceedings instituted against said person and others for charges of treason being now terminated, and it appearing that he formed part of a Junta constituted in this city, and delegate of the Revolutionary Junta of New York, I have resolved, under today's date that he be expelled from this Island, and prohibited from returning to its territory without express authorization to do so; and to that end the necessary instructions have been communicated by this office to the Regional Governor for him to leave in the first steamer leaving this port; duly advising you thereof.

Habana, September 19th.1896.

(Signed) Valeriano Weyler.

INDEX BUREAU
REC'D.
SEP 25 1896
DEPT. OF STATE

Telegram.

Havana, September 23, 1896. (Recd. 4.30 P.M.)

Assistant Secretary of State,

Washington,

D. C.

Must I wait for further reply before making demand to release Tolon?

Lee.

DIPLOMATIC
OCT 13 1896
BUREAU.

Copy Desp
No. 1444 of Sept. 23 1896 from Habana
Ack'd Oct. 14/96
3 enclosures in this case.

INDEX BUREAU
REC'D.
SEP 26 1896
DEPT. OF STATE

ASSISTANT SECRETARY
SEP 29 1896
DEPARTMENT OF STATE

No. 1444.

U. S. Consulate General,
Habana, Sept 23d 1896.

Mr. Lee
to the
Department of State.

Recd. Dept. 30.

Case of Samuel J. Tolon.

Two enclosures.

No: 144.

U. S. Consulate General

Habana, Sept 23d 1896.

Hon: William W. Rockhill.

Assistant Secretary of State

Washington.

D. C.

Sir:

With reference to the case of Mr: Samuel T. Tolon, reported to the Department in my despatches numbers 116, 120, 129 and 132, of the respective dates of the 5th, 9th, 12th and 16th instant, I have now to transmit herewith copy-translation 1/

of a communication received from the Governor General dated 20th instant. As in the case of Mr. Alfredo Hernandez, the Governor General referring to my official communication of the 15th instant, states that as the country is in a state of war and therefore all constitutional guarantees suspended, no violation of the Spanish organic law or of the law of criminal procedure has been committed by the arrest and prolonged imprisonment, "incomunicado", (without intercourse), which has lasted now from the

3rd instant, 20 days, of this American citizen. Also, that he was arrested at the moment of embarking on the "Seneca" while his passport was yet under police inspection; and that the authorities had conclusive proof of his being the delegate of a revolutionary junta existing in Cardenas. I am also promised prompt information as to the decision that will be reached in the proceedings now being drawn up against him.

I saw Mr. Tolon day before yesterday at Police

Headquarters, where he has
been confined since his arrest.
I did not see his accommoda-
tions, as the Chief of Police
hesitated about allowing
me to visit him in his cell
or room, but had him brought
before me. I had a long
interview, during which
Mr. Tolon positively disclaimed
any knowledge of the cause
of his arrest or of the charges
against him, or of any con-
nection whatever with revolutionary
parties, or participation in the
slightest degree with revolu-
tionary matters. He informed
me that about the third or
fourth day of his arrest

surreptitious means were
tried to incriminate him, or
fix some degree of guilt
upon him, — a cake having
been sent to another prisoner
in which was concealed
a message to him, asking
if he desired to communi-
cate with the Junta, etc,
but he paid no attention
to it and disavowed all
understanding of its
meaning - Mr. Tolon's
wife was also allowed
to see him, but he is not
yet placed in communication.

In connection with this
case, I accompany copy 2/
of a letter from the U. S.

Consul at Cardenas, reporting the particulars of the search made by the authorities of that place of Mr. Tolon's residence.

With reference to the Governor General's statement that the country is in a state of war, and all constitutional guarantees and laws of procedure thereby suspended, I fail to see how the declaration of martial law in one or more provinces of Spain, as is the Island of Cuba, can abrogate the rights secured to American citizens by treaty.

In an interview with the Governor General on the

18th instant, on whom I had called respecting the cases of Solon and Hernandez, as I had had no reply to my communications, - H. E., upon promising to send me answers ~~the next day~~, made use of the same language respecting the "state of war" and to my remark that it could not abrogate the rights secured to American citizens by treaty, replied that it did, because how could an American citizen have any more rights than a Spanish subject?.... but added, for I was just taking leave, that he would

send replies to my communications the following day, and he made a note to that effect.

According to the telegram received from you, dated 15th instant, I consider that it is also the view of the Department that the state of war in Cuba does not suspend the rights secured to a citizen of the United States by the treaty and Protocol of January 12th 1877, to be tried "exclusively by the ordinary jurisdiction," on charges of sedition, treason, etc, or any other crime whatsoever, "except in the case of being "captured with arms in hand".

In this understanding,

I transmitted on the 21st instant
the following telegram, which
I now confirm:

" Assistant Secretary of State:
" Your dispatch of the
" fifteenth directs me
" to demand the release
" of Tolon if the authori-
" ties cannot show he
" was arrested according
" to law in accordance
" with warrant -
" Authorities say that
" the country being in
" a state of war suspends
" constitutional guarantees
" and criminal law.
" Do not think this applies
" to a citizen of the United

" States. Unless otherwise
" instructed will demand
" release of prisoner.
" Criminals or persons
" guilty ordinary crimes.
" article forty eight Spanish
" law does not embrace
" political offence charged
" against prisoner. = Lee =

I also confirm my telegram of yesterday, reading:-

" Assistant Secretary of State.
" Referring to my dis-
" patch of yesterday, the
" first article of the protocol
" prevents suspension
" mentioned by the authori-
" ties = signed Lee" -

Awaiting your

instructions.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

Enclosures:

No 1: Governor General to
Consul General Lee, Sept 20-

" 2 - Mr Hance, to Mr. Lee
September 5th 1896.

Enclosure No.1.

With Despatch No. 144.

HABANA, September 23, 1896.

Copy translation.

GENERAL GOVERNMENT of the ISLAND of CUBA.

PUBLIC ORDER.

In reply to your polite official letter of the 15th. instant relative to the arrest of the American citizen, Mr.Samuel T.Tolon, I have the honor to inform you that, the country being in a state of war, and therefore the constitutional guarantees susperded, no violation of any precept of the Spanish Constitution was committed by arresting said individual and prolonging his incommunication, nor of the law of Criminal Procedure; and that he was arrested at the moment of taking passage on board of the Steamship "Seneca", while his documents were yet in the possession of the officer of Inspection of vessels, because the authorities had conclusive proofs that he was a delegate of a revolutionary Junta existing in Cardenas.

As Mr.Tolon has been subjected to the process being drawn up against him on the charge of treason, the termination of which will not long be delayed, you will be duly informed of the definite decision reached therein.

God guard you many years.

Habana, September 20th. 1896.

(Signed) Valeriano Weyler.

To the Consul General of the United States,

Habana.

Enclosure No. 2 —
With Despatch No. 144 —
HABANA, September 23, 1896.

Copy.

COMMERCIAL AGENCY
of the UNITED STATES of AMERICA,
CARDENAS, CUBA, september 6th. 1896.

Fitzhugh Lee, Esquire,
Consul General of the United States,
Habana.

Sir:-

I am informed that Mr. Samuel T. Tolon of this city was, on the third instant, arrested at Habana as he was about to sail for the United States. At the request of Mrs. Tolon I desire to say that he has been duly registered in this office as an American citizen, he having been naturalized in the Court of Common Pleas for the city and county of New York the fifth of September, 1878, and having maintained his character as an American citizen since that time. The case, therefore, seems to be a proper one for your intervention.

Late yesterday afternoon the fact was brought to my knowledge that a search was in progress at the residence of Mr. Tolon at this place. Upon repairing to the house I found there the Chief of Police of the province who informed me in reply to my inquiries that he had just concluded the search, that it was by virtue of an administrative order, and that there had been found a revolver in the house, a fowling piece in the sugar-boiling house adjoining the place of residence and another revolver in that part of a building on the opposite side of the street which was occupied by a brother of Mr. Tolon. As regards the revolver found in Mr. Tolon's house I am informed that it was the property of the watchman who had a license

from the Mayor to carry such a weapon. The fowling piece was an old one supposed to be the property of one of the workmen on the premises. These were taken away but nothing seems to have been found to incriminate Mr.Tolon.

I am,Sir,

Your obedient servant,

(Signed) Jos L.Hance.

Commercial Agent.

1894
CRANE'S
1894
ALL LINEN

No. 145.

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE

INDEX BUREAU
REC'D.
SEP 26 1896
DEPT. OF STATE

U. S. Consulate General,
Habana, Sept. 23, 1896.

Mr. Lee

to the

Department of State.

Confirming telegrams
relative to the cases of
Muñoz and Rodriguez.

No. 145.

U.S. Consulate General.

Habana, Sept. 23d, 1896.

Hon. W. W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

I have the honor to confirm my telegram of the 19th instant reading:

"Assistant Secretary of State,

"Washington, D.C.

"I report in conformity

"your number 78, that

"José A. Muñoz, native

"American citizen arrested

Matanzas

"Matanzas eighteenth
"instant. No particulars
"yet.

Also my telegram of the 21st.

"Assistant Secretary of State,
"Washington.

"Ramon Rodriguez, naturalized
"citizen arrested here yesterday
"requisitioned Governor Ma-
"tanzas, charge treason.
"José Curbino, naturalized
"citizen arrested at Ruicou
"eighteenth upon surrender
"to military authorities,
"without arms.

With respect to the
arrest of Mr. Joseph Austin
Muñoz, the first above
named

named citizen who is a native of New Orleans, I learn from the U.S. Vice Consul at Matanzas, that he was released on the afternoon of the 19th and had been arrested by mistake for one Pedro Muñoz, mentioned in letters captured from insurgents near Canasí.

Ramon Rodriguez, I am informed, had surrendered some four months ago, having been several months in the insurrection. He was conditioned to report weekly at the Governor's office in Matanzas, and having failed to do so, and left

left the city, was arrested
here upon a requisition
of the Matanzas Governor.

Nothing further is
known concerning these parties.

I am, Sir,

Very respectfully,
Your obt servant,

Fitzhugh Lee
Consul General,

Telegram.

INDEX BUREAU
REC'D.
SEP 25 1896
DEPT. OF STATE

Havana,

Sept. 24, 1896.

Rec'd Sept. 29.

Assistant Secretary of State

Washington, D. C.

Your cable 15th instructs me to demand the release of Tolon unless authorities show arrest was by process of law and in virtue warrant Authorities have already answered me protest saying all laws have been suspended on account of war therefore do not understand your cable to-day asking me urge immediate answer to a protest which has been answered.

Lee.

To Madrid Oct 2

ASSISTANT SECRETARY
SEP 29 1896
DEPARTMENT OF STATE

Mr. Faison,

No. 146.

INDEX BUREAU
REC'D.
SEP 29 1896
DEPT. OF STATE

U.S. Consulate General
Hawaii, Sept 24, 1896.

Mr. Lee

Read Oct. 5

to the

Department of State.

DIPLOMATIC
OCT 1 1896
BUREAU.

Transmitting protest
of Messrs Fred Bauriedel & C.

1 Enclosure

No. 146.

U.S. Consulate General.

Habana, Sept. 25th, 1896.

Hon. W.W. Rockhill,

Assistant Secretary of State,

Washington,

D.C.

Sir:

With reference to my despatch no 139, of the 18th instant, in which I transmitted to the Department a letter of protest of Messrs. Fred Bauriedel & C, of this city, respecting the prohibition of the Government to allow them to

export

export certain tobacco, I now
1/ transmit, as requested by
said parties, copies and
translations of all the
documents and papers
pertaining to said letter
of protest, that the
Department may be better
advised with respect to
the American interests
involved in the case.

I am, Sir,

Very respectfully.

Your obedient servant,

Thos. Hall

Consul General.

1 Enclosure:

No. 1 - Copies referred to.

Enclosure nº 1
With Despatch nº 146.

Copies and Translation of the papers and documents , belonging to the protest made by letter dated 18th of September 1896 , by Federico Bauriedel and Co , for themselves and their american correspondents against prohibition of exporting Tobaccoes acquired before publication of the decree of 16th of May .

- -

1) C O N T R A C T S :

It is agreed between Messrs . EUGENE VALLENS and CO of CHICAGO and NEW- YORK and Messrs . Federico Bauriedel and Co , Habana , as follows :

1. Federico Bauriedel and Co buy and pack for Eugene Vallens and Co FIVE THOUSAND (5000) Bales of Vuelta Abajo and Partido tobaccoes of the present crop, charging market prices on the different lots .

2. Shipments to be forwarde as per instructions of Messrs . EUGENE VALLENS and Co and payments to be settled as per special agreement.

3. Messrs Federico Bauriedel and Co will take good care in buying only such tobacco that can be used to advantage by the U . S . clear Havana Cigar Manufacturers , to say , light , wrappery , sound tobacco and of good burn and smoke .

Chicago , March 25th 1896.

Federico Bauriedel and Co

signed :

A . Moeller , Manager

accepted Eugene Vallens and Co

Acknowledged before me this 25th day of March 1896 (sigd) Edward C P Crane

Notary Public in and for Cook Co Ill.

Certified by Clerk of Cook Co and spanish Consul R . Torre

- - - - - - - - - - - - - - -

It is agreed between Messrs . BERRIMAN BROS . , Chicago and Mess. Federico Bauriedel and Co , Habana , as follows :

1. Federico Bauriedel and Co buy and pack for Berriman Bros . six hundred

(600) bales of Vuelta abajo and Partido tobaccoes of the present crop , charging market prices on the different lots

2. shipments to be forwarded as per instructions of Mess. Berriman Bros . and payment to be settled as per special agreement

3. Mass r Federico Bauriedel and Co will take good care in buying only such tobacco that can be used to advantage by U . S . clear Havaya Cigar Manufacturers , to say , light , wrappery , sound tobacco and of good burn and smoke .

Chicago , March 26th 1896. signed : Federico Bauriedel and Co
A . Moeller , Manager

Edward CP Berriman

Mathew W r Berriman

Subscribed and sworn to by Edward C Beriman and Mathew w Berriman before me this 26th day of March 1896. signed : Louis B Sostheim , notary Public

Certified to by Clerk of Cook Co , Ill. and spanish (vice _) Consul R ` Torre

- -

It is agreed between Messrs .. SUTTER BROS .. Chicago and Philadelphia , and Messrs Federico Bauriedel and Co , Habana , as follows :

1. Federico Bauriedel and Co buy and pack for Sutter Bros . four Thousand (4000) Bales of vuelta Abajo and Partido tobaccos of the present crop , charging market prices on the different lots

2. Shipments to be forwarded as per instructions of Mes. Sutter Bros .. and payment to be settled as per special agreement

3. Messrs .. Federico Bauriedel and Co will take good care in buying only such tobacco that can be used to advantage by the U ` S . clear Havana Cigar Manufacturers , to say , light , wrappery , sound tobacco and of good burn and smoke

Chicago , March 26th 1896. (signed) Federico Bauriedel and Co
A .. Moeller , Manager

Sutter Bos by Jacob Sutter

State of Illinois , Cook County : S . S .

The foregoing contract was signed in my presence by A p Moeller , Manager for Federico Bauriedel and Co and Jacob Sutter a member of the firm of Sutter Bro Chicago , March 26th 1896. Joseph Mendelsohn , Notary Public

Certified to by Clerk of Cook Co and spanesh V. Consul at Chicago

- -

It is agreed between the L . L . WARSHAUER CO , NEW- YORK and Mess . Federic Bauriedel and Co , Habana , as follows :

1. Federico Bauriedel and Co buy and pack for L . L . WARSHAUER CO Fifteen hundred (1500) bales of Vuelta Abajo and Partido tobaccos of the present crop , charging Market prices onthe different lots .

2. Shipments to be forwarded as per instructions of L . L . Warshauer Co and paument to be settled as per special agreement .

3. Mess . Bederico Bauriedel and Co will take good care in buying only such tobacco that can be used to advantage by the U.S. clear Havana Cigar Manufacterers , to say , light , wrappery , sound tobacco and of good burn and smok

New- York , April 2nd 1896. signed : Federico Bauriedel and Co
A. Moeller , Manager

State of New- York
City and County of New - York L . L . WARSHAUER CO

Witness L.L. Warshauer pres.
signed : Jas. S . Longhurst Jr. H.C Rosenbaum Sect .
stamp: Notary Public
Kings County

Certificate filed in New- York Co
State of new- York

Sworn to before me this 2nd day of April 1896.

(signed) James S. Longhurst Jr .

Certified to by the Clerk of the City and County of new- York and legalized at the spanish Consulate (signed) Felipe de Castro

- -

Between Messrs . S . and F . FLEITAS , Tampa and Key- West , and Messrs . Federico Bauriedel and Co Havana the following has been agreed :

Messrs F . B . and Co are to buy for the first mentioned firm up to one thousand bales leaf tobacco of the present Havana crop

The tobacco is understood to be of such quality as is used for the manufacture of clear Havana cigars , to say light and wrappery

F.B. and Co have the liberty to pack the tobacco themselves , if they should think it more convenient ..

the prices which are to be charged must be according to the ruling market prices in Havana . -

The shipments will have to take place according to special instructions of Messrs .. S. and F. Fleitas Key- West , 14th April 1896.

Signed : Federico Bauriedel and Co
A. Moeller , Manager

S. and F. Fleitas

State of Florida

County of Monroe s. s.

On this fourteenth day of April a.d.1896, personnally appeared before me A. Moeller of the firm of Federico Bauriedel and Co of Havana , Cuba , and Francisco Fleitas of the firm of S. and F . Fleitas and acknowledged that they entered into the foregoing agreement for the purpose therein stated (signed) Geo . W . Allen , Notary Public

Monroe Co Florida

Certified to by the Clerk of tee Circuit Court , the same being a Court of Record , and legalized by the spanish Vice Consul at KeyWest

- -

2) Memorial presented to

His Ex'cclcy the Governor and Captain General of the Island of Cuba

Federico Bauriedel and Co , of the gommerce of this city , established in Amargura str. No.7. , appear before Your Excellency andexpose :

That previous to the Decree dictated by your Ex'ly on 16th of May last , they had made contracts with several importers of Tobacco in the U . S . , for tobacco of the Havana and Pinar del Rio Provinces , translations (official) of which contracts they accompany

That not having been able to ship said tobacco within the time marked by the Decree mentioned , as the leaf was not in a condition to do it and was to a large extent out of town , and the opportune moment to procced with shipments of part of said contracts having now arrived , they apply to

Your Exc'llcy that you may give the necessary authorisation to ship and beg that you may give the needful instructions to whom it may correspond that the Custom house of this Port may dispatch the documents necessary to effect such exportation , under previous payment of duties and imposts , grace which they have no doubt to obtain from the recognized rectitude of Your Excllcy

Habana , 9th of July 1896.

(signed) Federico Bauriedel and Co

- -

3) Answer thereto : (see Translation on pages 6 and 7)

FEDERICO BAURIEDEL Y Cª
APARTADO 728
TELEGRAMAS:
BAURIEDEL
HABANA

Translation . -

In view of the Memorial presented by you to his Excellency the Governor and Captain General of the Island of Cuba , soliciting, authorization to export up to 12,100 bales of tobacco in leaves produced in the provinces of Habana and Pinar del Rio

Considering that the documents presented by Messrs . Bauriedel and Co must be estimated as a mercantile Commission given to said firm for the purchase of a certain number of bales of tobacco of Vuelta Abajo and Partido

Considering that the commission (order) having been accepted , as it has been accepted by said gentlemen , obliges them to fill it under the conditions stipulated , but as from the documents presented it does not show (or prove) nor in any way is it to be deduced , that they have executed the commision or order , that has been given to them , nor that they have made the purchases , object of said orders , then , in case of their existence it would give cause to examine wether all legal requirements being united , there would be sufficient cause to resolve about the authorization they ask for .

Considering that to export tobacco that may or may not have been bought , the affirmation of the interested party is not enough to admit of the certainty of the of the fact , however respectable it may be

Considering that even admitting the certainty of the purchase , it would be necesaary that it had been realized before the Decree of his Excellency the Governor General was published , since from the moment that the exportation of tobacco was prohibited , the Commisioned ought to have considered extinguished the commission in consequence of the impossibility to fill it , it being their fault and responsability if they acted otherwise

T . 2.

RICO BAURIEDEL Y Cª
APARTADO 728
TELEGRAMAS:
BAURIEDEL
HABANA

Considering as last , that in dictating the decree of, the superior authority of the Island has been inspired by a high interest of public character , it cannot and must not be left unexecuted , even if itrs fulfillment resulted to harm some private interests . -

His Excellency the Governor General , in conformity with wath the Intendency proposed , has resolved (found proper) to deny what was solicited

Which , by order of his Excellcy I gommunicate to you for your knowledge and as resolution of the memorial presented by you

God may preserve you many years

Habana , Habana , 26th of August 1896.

EMILIO FAGOAGA

Messrs . BAURIEDEL and CO , of the commerce of this City

4) Memorial presented to

His Ex'lly the Governor and Captain General of the Island of Cuba

Federico Bauriedel and Co of the commerce of this City , established in Amargura Str. No. 7. appear before Your Excelly to expose :

That having solicited on the 11th of July of this year permission for the exportation of Leaf tobacco the " Intendencia » communicated to them the resolution given under 28th of this month

As the foundations of this decision consist in : that the existence of the Tobacco referred to in the contracts accompanying ~~dámé~~ our Memorial , is not shown , nor that the commission has been executed before the date of prohibition of Exports , and as the necessity of proving both parts is insisted on , we now come to state that we are ready to prove this by the testimony of our buyers in the Country , of persons who worked in selecting the tobacco - ~~déjó~~ before the said Decree - and by other similar means , the only ones that can be applied to this kind of contracts , according to usage and custom .

We consequently beg that after receiving such information , Your Excelly will please leave said decision without effect and give the opportune orders to permit the exportation of the tobacco , that results bought ~~before~~ previous to the Decree.

Grace and justice we expect from the right judgment of your Excelly.

God may keep your Excelly for many years .

Habana , 31 of August 1896.

signed : Federico Bauriedel and Co

- -

5) Memorial adressed to

His Excellency the Governor and Captain General of the Island of Cuba

Federico Bauriedel , born in Germany and a citizen of the U . S . , merchant of this City as head partner , of the firm of Federico Bauriedel aod Co , established in Amargura Str. No. 7 , appears before your Ex'lly and respectfully expose That on 11th of July last he solicited authorization to export up to 12100 bales of tobacco , produced in The habana and Pinar del Rio Provinces , which was denied by resolution of 26th of August , based on the circumstance that : though the documents presented showed the existence of a mercantile commission on a stated number of bales of Tobacco , it was not shown that te commission had been executed , the afirmation of the interested party not being sufficient , but on the contrary it was necessary to show also that the purchases had been made before the publication of the Decree , prohibiting the Exports of Tobacco from v Vuelta Abajo and Partido .

In view thereof the exponent presented another Memorial on the 31st of last mon offering the required information and today returns before your Ex'clly accompanying testimonial in form of an Act before Notary Public , , made before Don Francisco de Castro y Flaquer on the 7th inst . , in which 5 competent witnesses declare uniformly on both points to which refers the decision of 26th of August , statin that the 5000 bales of Leaftobacco now in possession of the writer were acquire before the publication of the Decree and preparations for its exportation begun since end of April last

May it be permitted to the Exponent to invoke the good name and Credit which the firm he represents enjoys in this Market , where it is known in the Tobaccotrade since many years and engaged in operations such as have occasioned this solicitude , according to it's custom of always , at a time when there was no such

prohibition and when it was an object of licit speculation to export the Leaf - which was only prohibited since 16th of May

Insisting today on the sollicitude , presenting the proofs which the decision of 26th of August found wanting , nothing is further from the mind of the exponent , than to detract the attention of your excelcy from its many occupations , he being only moved by the necessity to avoid losses to his correspondents and to the firm of which he is a partner . Therefore :

he begs your exc'llcy , as part of the information , to admit the adjoined testimonial by act before Notary public , to order having them added to the proceedings and to pass definite resolution , conceding the authorization sollicited Grace and Justice etc . etc .

Habana , 10th of september 1896.

(signed) Federico Bauriedel

- -

6) Act before Notary Public , which accompanied above Memorial

Number One thousand and ninety eight

A C T

In the City of Habana on the 7th of September 1896 : before me Don Francisco de Castro y Flaquer , Notary Public and to the Government , and to the Superior Court of this Territory , residing in this City and before the witnesses who will be mentioned , appeared :

Don Federico Bauriedel y Staubitzer , citizen of the United States , bachello american Citizen , 42 years of age , neighbor of this City , with " cedula" of the 5th class number 858 , givenin the present year by the Mayoralty of the Templete Ward

and concurs as only chief partner of the firm of this city under the firm

name of Federico Bauriedel and Co , constituted by public document before me and in this archives on the 5th of July 1892 , which remains within the term of constitution , to all of which , , the Notary testify , as the contracts of constitution and of prorogation have been made before me and in these archives

And , assuring the ~~compar~~ aforesaid to be in full enjoyment of his civil right and according to the judgment of the present Notary in full capacity legal necessary to extend this Act , without anything contrary existing to my knowledge he states :

First : That the firm of which he is headpartner , in their character of Exporter of Produce of the country for their own account and as commissionMerchants , has for years dedicated itself to the commerce of Tobacco of the Provinces of Habana and Pinar del Rio and others of the Island , buying the tobacco in bundles at the customary epoch and preparing it for exportation , which generally takes place from September on , in special establishments known here as " escojidas " . -

Second : That in the present year all operations relative to the Tobaccocrop were made earlier in view of the abnormal circumstances ruling on the Island , And that , in fulfillment of orders from the United States , he bought on commission before the publication of the Decree , Leaf in bundles from the said provinces of Habana and Pinardel Rio for 5000 Bales more or less , through his buyers in the Country , Agustin Diaz y Diaz , born in Asturias , neighbour of this City , merchant , Rafael Perez , native of Vereda Nueva in this Island , Diego Cabrera , native of Guira de Melena on this Island , who , before the 15th of May last acquired this tobacco in the plantations and villages of the Country

Third : That the " escojidas " (selections) to work said Leaf were begun at on the 27th of April , working on them hundred of persons and amongst them Belisario Rodriguez from the Canary Islands , Manuel Diaz from Asturias and Benigno Dorta (Dorta) from the Canaries .

Fourth : that also and before said date of the 15th of May last , he bought from Don Joaquin Fernandez , native of Asturias , a Leaftobacco Merchant of this City , all his stock of Tobacco in bundles and of his " escojida " generally , as well as allthe Leaf he had bought in the Country through his buyer Don Alejandro Diaz , a native of Santander , who remained under the orders of the exponent , in charge of the business with said Señor Fernandez , all of which Leaf is also from the Habana and Pinar del Rio Provinces

Fifth : That being interested in all these facts being confirmed , he applies to me , in order that the persons mentioned , should declare through act before Notary Public if that the manifestations made in the first part are true , and the other particulars also as far as they concern them , and that they know them to be true from their own cognizance , personal and direct participation in the operations to which they refer

So he declared , the witnesses being Don Gabriel Charum and Don Justo Hurtado of this vicinity , of age and without impediment to being witnesses

All present being acquainted to read this act by themselves and renouncing it , I proceeded to read it integrally , obtaining the conformity and ratification of the exponent who signs with the witnesses

And I the Notary testify that I know the exponent and his occupation and domicile to be such as expressed in the present which I sign and countersign :

(Signatures) : Federico Bauriedel. Gabriel Charum . José Hurtado -Siguado

Francisco de Castro

In the same act and present along with Mr . Bauriedel Messrs. Agustin Diaz y Diaz , Belisario Rodriguez Castellanos , Benigno Dorta , Manuel Diaz y Alvarez and Joaquin Fernandez , all of age , merchants and inhabitants of this City the first and last of them , and the others of San Antonio , to whom I the Notary gave cognizance of the preceding Act through its lecture in full and they having taken knowledge ofit , declared all the facts mentioned in same to be true and known to them . - Wherewith the Act terminated and they all signed with exception of Dorta and Rodriguez , at whose desire signed Agustin Diaz y Diaz . Mr . Bauriedel added that he renounced the declaration of Rafael Perez and Diego Cabrera because of the difficulties to come to town , as they live at Guayabal and Guira de Melena respectively , to all of which I the Notary testify .

Signatures : Federico Bauriedel . Joaquin Fernandez ,

for myself and at the request of Dorta and Rodriguez :

Agustin Diaz

Manuel Diaz y Alvarez . Castro

- -

7th) Communication from the " Intendencia General de Hacienda » of the Island of Cuba

- - - - - - - -

His Excellency the Governor and Captain General , in conformity with the proposal of this " Intendencia General de Hacienda " has found proper to deny the new petition presented by you , since the justification which you offer, made at present , could not have the effect desired , as the proofs of the fact which you state , would always come to be outside of the term given by his Exc'llcy the Governor General for the exportation of Tobacco .

Furthermore : the term given having expired with great excess , there are no means , nor any reasons ~~for which~~ that would justify now an exportation

which has been prohibited to others , for doing so would be to infringe the dispositions of the decree referred to , which cannot and must not be left uncomplied , as it is inspired by a high interest of public character which holds to it's fulfillment all those who live within the Island as is declared by article 8 of the Civil Code .

Which by order of his Ex'cllcy I participate to you for your knowledge and as resolution of your new petition presented on 31st of last month

Habana , September 15th / 96.

(signed) Emilio Pagoaga

Messrs . Federico Bauriedel and Co

- -

cpy to President. 7/23/97.

ASSISTANT SECRETARY
SEP 29 1896
DEPARTMENT OF STATE

No. 147.

INDEX BUREAU
REC'D.
SEP29 1896
DEPT. OF STATE

U.S. Consulate General,
Habana, Sept. 24, 1896.

Mr. Lee
to the
Department of State.

Case of Mr. Alfredo Hernandez.

No. 147.

U.S. Consulate General,
Habana, Sept. 24th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington, D.C.

Sir:

I have to inform the Department that Mr. Alfredo Hernandez, whose arrest, imprisonment and order of expulsion from Cuba, have been reported in my despatches Nos. 121, 133 and 143, the latter dated the 22d instant, sailed for Key West on the 23d instant.

I am, Sir,

Very respectfully,
Your obt. servant,

Fitzhugh Lee
Consul General.

W.

ASSISTANT SECRETARY
SEP 29 1896
DEPARTMENT OF STATE.

No. 148.

INDEX BUREAU
REC'D.
SEP 29 1896
DEPT. OF STATE

U.S. Consulate General.
Habana, Sept. 25, 1896.

Mr. Lee
to the
Department of State.

Asked for Oct. 1.
Com Bond

Appointment of Mr. Alberto Broch as Vice Consul ad interim at Matanzas.

No. 148.

U. S. Consulate General.
Habana, Sept. 25th, 1895.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to my despatch no. 85 of the 15th August, respecting the unwillingness of the Governor General to recognize Mr. Fred Delgado as Vice Consul at Matanzas, and the Department's instruction no. 62 of the 20th August to place that Consulate in charge of a suitable person during the absence of the Consul on leave, I have the honor to inform the Department that on the 1st instant I appointed Mr. Alberto Brock, a citizen

of

of the United States to be U.S. Vice Consul ad interim at Matanzas, and asked the usual official permission of the local government for him to discharge the functions of that office, which was granted on the 21st instant. Mr. Brock has taken charge of the said office under date of the 24th instant.

I am, Sir,

Very respectfully,
Your obt. Servant,
Fitzhugh Lee
Consul General.

INDEX BUREAU
RECD.
SEP29 1896
DEPT. OF STATE

Telegram.

Havana, Sept. 26, 1896.

Rec'd. Dept. 30

Assistant Secretary of State,

Washington,

D. C.

It is probable that Tolon will be released on condition he leaves Island this terminates (52495) legal proceedings involving long confinement is what Tolon desires and in his opinion best that can be done. Shall I accept conditions or insist upon unconditional release?

Lee.

N. 5m 20 E

TELEGRAM RECEIVED

10

ASSISTANT SECRETARY
SEP 28 1896
DEPARTMENT OF STATE

INDEX BUREAU
REC'D.
SEP29 1896
DEPT. OF STATE

From Havana

Sept 26, 1896.

Received 4— P.M.

Asst Secy State,

Washn D.C.

Colon released

Cuckoo. Sept. 30.

Lee

(E)

TELEGRAM RECEIVED.



From Havana

Sept 26, 1896

Received 12 46 P.M.

Assistant Secretary
of State
Washington D.C.

Cuba. Sept. 29.

Had an interview previous to the receipt of your instruction yesterday I think Tolon will be released. I will see the authorities again today bring up Carrillo precedent.

Lee

Mr. Adee

Inclosure to dispatch No. 144 of this date from U.S. Consulate General Habana, Sept 26 1896.

Mr. Lee

Acknd. Oct. 4

to the

Department of State

Case of Samuel T. Tolon

confirming telegrams &

2 Enclosures.

INDEX BUREAU REC'D SEP 29 1896 DEPARTMENT OF STATE

ASSISTANT SECRETARY SEP 29 1896 DEPARTMENT OF STATE

2D ASSISTANT SECRETARY.

SEP 29 1896

Mr. Rockhill

I think I would send the Secretary a copy of this. Gen. Lee appears to have acted very sensibly and discreetly, as the outcome suggests.

See a marked phrase on p. 5. He does not seem to have got your Telegram correctly. "almost alone" = constitutes

A A G

No. 149.

U. S. Consulate General

Habana, Sept 26 1896.

Hon: William W. Rockhill.

Assistant Secretary of State.

Washington.

D. C.

Sir:

With reference to my previous despatches numbers 116, 120, 129, 132 and 144, the latter dated 23d instant, relative to the case of Samuel J. Tolon, I have now the honor to confirm my cablegram of the 23d instant, reading:-

"Assistant Secretary of State.

" Must I wait for further
" reply before making
" demand to release
" Tolon? (signed) Lee.

The following day, I received your cypher Telegram, reading:-

" Advise seeing at once
" Captain General, and
" urging the necessity
" of immediate answer
" to your protest, grounds
" of which do not require
" such length of time
" for consideration and
" reply. Report result
" for further instructions.
(signed) Rockhill.

To this I replied the afternoon of the same day, the 24th inst,

as follows:-

"Assistant Secretary of State.

"Your cable fifteenth,
"instructs me to demand
"the release of Tolon, unless
"authorities show arrest
"was made by process
"of law and in virtue
"warrant. Authorities
"have already answered
"my protest saying
"all laws have been
"suspended on account
"of war, therefore do not
"understand your cable
"today asking me urge
"immediate answer to a
"protest which has been
"answered - (Signed) Lee.-

Under the same date, I addressed a communication to the Governor General, - of which I accompany a copy-translation, - in which, while not denying the jurisdiction of Spain over foreign merchant vessels anchored in her ports, I again called the attention of the Governor General to the fact that Art: 48, of the Law relating to Foreigners of July 4th 1870, expressly stipulates that in the case of the arrest of a foreigner who may have taken asylum on board such vessels, the Consul shall receive due notice. I also repeated the substance

of Article 1 of the protocol of January 12th 1877, and claimed that neither the state of war or the proclamation of martial law affected the stipulations of treaty with respect to citizens of the United States, and informed him that my Government considered that the failure to notify me in advance of the intended arrest of Mr. Jolon," is ~~almost~~ constitutes alone a "serious breach of international "obligation.

I however requested the release of Mr. Jolon under the same conditions as was stipulated in the case

of Mr. Alfredo Hernandez; that he should leave the Island; as the two cases seemed to be similar.

This communication I presented in person to General Weyler yesterday morning. Upon reading it, he stated that he could not answer my request until he had examined the degree of culpability that might result from the examination of the proceedings now being made. He also stated that Solon at the time of his "detention", had no justificatory documents upon his person, and his passport

was still in the possession
of the police authorities.
That if he had had all his
papers in order, I should
have been duly notified
of the detention to arrest
him. A. C. endeavored
to explain the difference
between what is recognized
in Spanish law as detencion
and arresto, the former being
considered preventative and
the latter term equivalent
to a commitment, and that
in the former case, an auto
or warrant was not necessary,
and stated that if after
examination of the pro-
ceedings there were sufficient

grounds to arrest or hold
the Tolon for trial, he would
be turned over to the ordinary
civil jurisdiction. Now the
protocol expressly states
if an American citizen is
charged with sedition, &c, or
any crime whatever, he shall
be subjected to trial by ordinary
civil jurisdiction; and if an
American is to be exposed to
arrest or detention by police
or military authorities upon
suspicion, or frivolous charges,
without any warrant of
law and kept in solitary
confinement or "incomunicado,"
against the precepts of the
Spanish organic law, and

the code of criminal procedure as well as against the treaty stipulations for an indefinite period, I do not understand what protection can be given him under the provisions of the Protocol.

Captain General Weyler promised to answer my communication as soon as possible, and as soon as received I will cable the Department.

I acknowledge the receipt of several telegrams, as per / enclosure.

I am, Sir, Very respectfully

Your obt. servt.

Fitzhugh Lee

Consul General.

One enclosure -
Copy of telegrams.

Enclosure No. 1

With Despatch No. 149

HABANA, September 26, 1896.

Copy translation.

UNITED STATES CONSULATE GENERAL,

HABANA, September 24th. 1896.

To His Excellency,

The Governor Captain General of the Island of Cuba,

etc. etc. etc.

Excellency:-

Referring to Y.E.'s communication of the 20th. of September, in which you say a state of war suspends the Law of Criminal Procedure as well as Constitutional guarantees, and that therefore there was no violation of any precepts by arresting Mr. Samuel T. Tolon on board the steamship "Seneca" on the 3rd. instant, I write to again call your attention to the fact, that the 48th. Article of the Law relating to Foreigners of July 4th., 1870, while not denying the right of the Spanish authorities to arrest refugees on board of foreign merchant vessels anchored in Spanish ports, particularly stipulates that it should only be done after due notice to the proper Consul; and that Article 1st. of the Protocol between Spain and the United States, of January 12th., 1877, demands that citizens of the United States residing in Spain or any of her possessions Charged with any crime whatsoever shall be tried exclusively by the ordinary jurisdiction, except in the case of being captured with arms in their hands.

I respectfully claim that neither the state of war or the proclamation of martial law removes in any way the existing laws so far as they refer to American citizens.

My Government informs me that the failure to notify me in advance of the arrest of Mr. Tolon is almost alone a serious breach of international obligations.

In view of these facts as well as the instructions I have received from my Government I,with all due respect, request the release of Mr.Samuel T.Tolon on the same condition as was stipulated in the case of Mr.Alfredo Hernandez,namely,that he shall leave the Island. These two cases seem to be identical,the Spanish Government having proffered similar charges in the case of each of these gentlemen.

In connection with this case I have the honor to transmit herewith an extract of a communication from Mr.Joseph L.Hance,Consul at Cardenas.

I take this opportunity to etc. etc.

(Signed) Fitzhugh Lee.

----------0---------

CRANE'S

1874

Enclosure No. 2

With Despatch No. 149

HABANA, September 25, 1896.

Confirming telegrams, received from the Department of State.

Washington. September 25, 1896.

American Consul General. HABANA

Do not act on cable instruction of this afternoon till you hear from me. Will cable this evening full instructions.

(Signed) ROCKHILL.

Washington. September 25, 1896.

American Consul General. HABANA.

Referring Teler's case, the plea of existence of state of siege cannot be recognized, that question has been settled in FRANCISCO CARILLO'S case in May 1895. See Foreign Relations 1895, page 1220 and following, favorably to the claims of this Government after reference to Madrid. Bring this precedent to direct notice of authorities, insist upon it as precluding discussion and absolutely settling the question in conformity with Carrillo precedent, make renewed and urgent demand that ~~criminal~~ prisoner be immediately tried under the treaty and protocol or at once released. Ask also that time be fixed within which the answer to demand be forthcoming. (Signed) ROCKHILL.

Washington. September 25, 1896.

American Consul General. HABANA.

The plea of suspension of Teler's lawful rights by a state of siege cannot be used to claim suspension of the rights guaranteed an american citizen by treaty of which

arrest on due charges and regular proceedings are among the most important. As Spanish authorities are understood to refuse these treaty rights the only alternative left is that of demanding his release which you are accordingly instructed to do. (Signed) ROCKHILL.

-----•-----

ALL LINEN

CRANE'S

W.

Fill

ASSISTANT SECRETARY
OCT 1 1896
DEPARTMENT OF STATE

No. 150.

U.S. Consulate General.
Havana, Sept. 26, 1896.

INDEX BUREAU
REC'D.
OCT 1 1896
DEPT. OF STATE

Mr. Lee
to the
Department of State.

% J. C. Borges
Equitable Insurance
Society of the U.S.
N.Y. City, Dept. 2.

Answer to Dept's telegram
of 25 inst. relative to
compulsory circulation
of Spanish bank notes.

Consulate
Bureau
See last ¶

2D ASSISTANT SECRETARY.
E I R
OCT 1 1896

Mr. Reuch

This does not leave the question perfectly clear. The precise difficulty is that on remitting by exchange on Havana, sums collected in gold in the provinces, the Havana bank may tender its bills, instead of gold, for the face value of the bill of exchange.

A state of siege cannot suspend the body of Spanish laws, but only certain personal guarantees. It cannot impair the validity of prior contracts. This point has been explicitly recognized by Spain in the tobacco expat cases. The principle is unquestionable, and every case of

impairment of an existing contract by usurpatory military action should be instantly and firmly contested.

It does not appear from Genl Lee's report that any impairment of contracts calling expressly for payments in gold to American citizens or corporations has been attempted and indeed the drift of the report is that it is unlikely that the attempt will be made.

Copy of the report (omitting the text of our telegram) may be sent to the Insurance Co whose agent presented the inquiry on the 23d inst.

A L B

No. 150.

U.S. Consulate General,
Habana, Sept. 26th, 1896.

Hon. W. W. Rockhill,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to acknowledge the receipt of your cypher telegram of the 23d instant, reading:

"Report whether proclamation August 28th decreeing compulsory circulation of Bank Spain bills at par is being enforced to impair existing contracts of American citizens or corporations for stipulated payments in gold? This inquiry has particular reference

reference to insurance
premiums and their
payment outside of
Habana.

As your question is
made with particular
reference to insurance premiums
and their payment outside
of Habana, I have made
inquiry of the agents here
of the principal American
life insurance Companies
and am informed that as
the payment of a policy
when due or expired is
generally contracted to be
in Spanish gold coin of
full weight, the Spanish
Onza being calculated at
seventeen dollars gold,
the payment of premiums
is also made in Spanish
gold coin, and the
instructions they receive
from

from the respective home office, as well as those they transmit to their sub-agencies on the Island, are to accept only gold coin in payments.

Ever since the promulgation of the decree of August 28th for the compulsory circulation of the notes of the Spanish Bank at par, or their face value equivalent to gold, - even the fractionary currency notes of less than one dollar in value being considered gold, the public press has written upon the matter with more or less ignorance, and reserve on account of the severe penalties imposed for contravention of its provisions. The quotation of gold and notes was prohibited; the operations of the Provision Exchange dwindled

decree states that in all transactions, even those of exchange, the prices shall be understood in bank bills, and their acceptance is compulsory.

I have also been informed that this is the first time on the history of Cuba, that the Government has intervened in any way, regarding contracts between individuals.

I am, Sir,
Very respectfully,
Your obedient
[illegible]
Consul General.

INDEX BUREAU
REC'D.
SEP29 1896
DEPT. OF STATE

PASSPORT DIV.
OCT 2 1896
DEPT. OF STATE

U.S.CONSULATE GENERAL.

H A B A N A , September 26th,1896.

Mr.LEE

File

to the

Department of State.

Report on Passports, asked for by Circular 1st September,1896.

One enclosure.

U.S.CONSULATE GENERAL.

H A B A N A , September 25th,1896.

Hon: WILLIAM W.ROCKHILL,

Assistant Secretary of State.

WASHINGTON. D. C.

Sir:-

I n reply to the Department's Circular of the 1st instant respecting passports,I have the honor to report as follows:-

1.---Although foreigners,(American citizens,are not required to have passports to be admitted into Cuba,yet,on account of the present circumstances of the Island,I strongly recommend the advisability of all citizens of the United States who come to Cuba,of providing themselves with a passport issued by the Secretary of State of the United States.

2.---I transmit a copy of the Royal Order of July 30th,1887, which defines the privileges of American citizens in coming to Cuba without passports.-- Art: 4 of the"Law relating to Foreigners"referred to in the first article of this Order,states that foreigners must present to the civil authority a passport or some corresponding document to identify themselves,or give evidence before the authority or the respective consul for the same purpose.

3.--- With respect to the departure of American citizens,those who have resided in the Island less than three months,may leave upon obtaining the visa of the Regional Government to the document by which their admittance was authorized, or the document obtained from their consul for the same

purpose. Those who have obtained domiciliary or transient passes,(cedulas) shall produce them to the police authorities of their residence to be endorsed for presentation to the Regional Government for visa,or the issue of a passport,under similar conditions.

The fee charged is .25 cents,and an extra tax of .05 cents payable in stamps.

The regulations of the Regional Government in force since May,1895,require the presentation of all documents for the visa or issue of passports,twenty-four hours previous to their issue.

Police instructions to the agents of all steamship lines impose heavy penalties for the selling of passage tickets without previous delivery of the passport duly visaed. It is obligatory upon such agents to send a list of passengers and their passports,two hours before sailing hour,to the Office of the Sub-Inspection of Vessels,for police inspection. A supplementary list is sometimes admitted an hour later.

Very respectfully,

Your obedient servant,

Consul General.

-----o-----

One enclosure:

Copy of an enclosure forwarded with Despatch No.705,of September 13,1887. Mr.Springer to the Department.

Enclosure with REPORT of PASSPORTS. Habana, September 25,1896.

-----o-----

Copy of an enclosure sent with Despatch No.705,Sept:13,1887.

COLONIAL MINISTRY. No.857.

Excellency: In conformity with the opinion of the Colonial Department of the Council of State,His Majesty the King,and in his name the Queen Regent of the Kingdom,has been pleased to decree :-

First :---American citizens may come to the Island of Cuba without passports,but identifying their persons by the documents referred to in Article 4 of the Law of July 4,1870.

Second:---Those who are not registered as transient, and shall have resided in the Island less than three months, may leave the same upon presentation of the documents by which their entry was authorized,to the Superior Civil Authority at the place of departure,in order that after being noted in a special register,the said document may be visaed.

Third:----American citizens who may have obtained domicile or transient passes,(cedulas) shall produce them to the authority for the same purpose mentioned in the foregoing article; and

Fourth:---The register and visa of the documents to which the foregoing articles refer,shall be effected promptly in ordinary cases,to avoid delay and annoyance,and a moderate fee shall be charged,to be paid in stamped paper or stamps to be duly cancelled.

Which,by Royal Order and enclosing copy of the communication of the said Colonial Department, I communicate to Y.E. for your information and compliance therewith.

God guard you many years.

MADRID, July 30,1887.

(Signed) BALAGUER.

-----o-----

(E)

V.

To Madrid Oct. 14-96

No. 151.

ASSISTANT SECRETARY
OCT 5 1896
DEPARTMENT OF STATE.

U. S. Consulate General,
Habana, Sept 30th 1896.

INDEX BUREAU
REC'D.
OCT 3 1896
DEPT. OF STATE.

Mr. Lee

to the

Department of State.

Case of Samuel J. Tolon -
comprising telegrams, and
copies of communications.

Tolon released.

Three enclosures.

No. 151.

U. S. Consulate General.
Habana, September 30/96.

Hon: William W. Rockhill.
Assistant Secretary of State
Washington.
D.C.

Sir:

With reference to the case of Mr. Samuel J. Tolon, I have the honor to confirm the following telegrams transmitted by me on the 26th instant:-

" Assistant Secretary of
" State: Washington. D.C
" Had an interview

" (with Governor General)
" previous to the receipt
" of your instructions
" yesterday. I think Tolon
" will be released. I will
" see the authorities again
" today, bring up Carrillo
" precedent. (signed) Lee.

To the same:

" It is probable that
" Tolon will be released
" on condition he leaves
" Island. This terminates
" legal proceedings in-
" volving long confine-
" ment; is what Tolon
" desires and in my
" opinion best that
" can be done. Shall

" I accept conditions
" or insist upon un-
" conditional release?
" (signed). Lee.

To the same:

" Tolon released.

(signed) Lee.

I also accompany trans-
lation of the communication
received from the Governor
General, dated the 25th inst,
but received the evening of
the 26th in which he informs
me of his order to expel
Tolon from Cuba. This
communication evidently
crossed mine of the 26th,
in which I referred to the
precedent of Francisco

Carrillo- as instructed by
the Depaitment, and I
am verbally informed that
it will be referred to Madrid
for consideration -

I also enclose copy of
3/ my communication to the
Governor General, in which
I asked for Tolon's release
from confinement and proposed
to see personally that he
leaves the Island by first
steamer, - which was granted.

I leave for another
dispatch several observa-
tions pertinent to this
case -

I am, Sir,

Very respectfully

Your obedient servant

Fitzherbert

Consul General

Enclosures:

1. Governor General to Consul General Lee. Sept 25.

2. Mr. Lee to Govr General. Sept 26.

3. do do Sept 28.

Enclosure No. 1.—

With Despatch No. 151.

HABANA, September 30, 1896.

Translation.

GENERAL GOVERNMENT of the ISLAND OF CUBA.

To the Consul General of the United States,

Habana.

Sir:-

Reiterating to you the considerations expressed in my communication of the 20th. instant, regarding the American citizen, Mr. Samuel T. Teler y Casade, I have the honor to inform you that, whereas the gubernative proceedings instituted against him on the ground of infidelity ("infidencia") have terminated, I have resolved in a decree of this date, that the said person be expelled from the territory of this Island, and prohibited from returning urless duly authorized to do so, and to this end I have accordingly instructed the Governor of this Region, in order that, with your knowledge, Teler shall leave by the first steamer sailing from this port for the United States.

God guarde you many years.

Habana, 25th. September, 1896.

(Signed) Valeriano Weyler.

---------o---------

Enclosure No. 2

With Despatch No. 151

HABANA, 30th.September,1896.

Copy translation.

United States Consulate Consulate General,

Habana,September 26th.1896.

To His Excellency,

The Governor Captain General of the Island of Cuba,

etc. etc. etc.

Excellency:-

Since my personal interview with you yesterday, I have received a cablegram from my Government declining to recognize that a state of war suspends the laws so far as American citizens are concerned,and holds that the rights of American citizens conferred by said laws and treaties still exist in their original force.

My Government claims,that question has already been settled in the case of FRANCISCO CARRILLO in May 1895, which can be found on page 1220 of "Foreign Relations of the United States" ,1891,part second. This precedent I am directed to bring to your attention and insist that it precludes discussions and absolutely settles the question, and I am further directed,therefore,to ask that Mr.Tolon be immediately tried under the treaty and protocol,or at once released,and also that a time be fixed within which your response will be given.

I have the honor to be,

etc. etc.

(Signed) Fitzhugh Lee.

Consul General.

----------0----------

Enclosure No. 3

With Despatch No. 151

HABANA, 30, September, 1896.

Copy translation.

United States Consulate General,

Habana, 28th. September, 1896.

To His Excellency,

The Governor Captain General of the Island of Cuba,

etc. etc. etc.

Excellency:-

I have the honor to acknowledge your communication of the 25th. instant relative to the American citizen, Mr. Samuel T. Tolen.

I ask that he be released from confinement as soon as possible, and in that event I propose to see personally that he leaves the Island by the first steamer, namely next Wednesday.

I have also to report that Mr. Alfredo Hernandez who was released on similar condition departed from the Island on the designated day.

I take this opportunity etc.

etc. etc. etc.

(Signed) Fitzhugh Lee.

Consul General.

---o---

Copied for C.

ASSISTANT SECRETARY
OCT 5 1896
DEPARTMENT OF STATE

No: 152.

INDEX BUREAU
REC'D.
OCT 3 1896
DEPT. OF STATE

U. S. Consulate General.

Habana, Sept 30 1896.

Mr. Lee

Rec'd Oct. 6

to the

Department of State,

Receipt of a letter from Mr. Julio Sanguily, in respect to asking for his release or parom, and reply of this Consulate General

Two enclosures.

No: 152

U. S. Consulate General

Habana, September 30 1896.

Hon: William W. Rockhill.

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to transmit herewith copy of a letter received from Mr. Julio Sanguily, who is still confined in the "Cabañas" fort.

He seems to be under the impression that this Consulate General showed

have insisted before the Spanish authorities for his release, or pardon under the terms of General Calleja's proclamation of amnesty. This proclamation was dated the 27th February, and its 3rd article offered amnesty, ("indulto") to all who should surrender within 8 days after its promulgation. Sanguily was arrested on the 24th February at his home in this city.

I also transmit a copy of my answer to Mr. Sanguily's letter, informing him that in the absence of any special instructions this office had

2/

no further intervention in
his case, but that I would
forward a copy of his letter
to the Department of State.

I am, Sir,

Very respectfully
Your obedient servant,

Fitzhugh Wales
Consul General.

Enclosures:

1- Mr Julio Sanguily to Consul
General Lee, Sept 23-

2. Mr. Lee to Mr. Sanguily, Sep: 28-

Enclosure No.

With Despatch No.

HABANA, September ,1896.

Copy.

Cabañas Fortress, September 23rd. 1896.

To the Hon. Gen. Fitzhugh Lee,

Consul General of the U.S. of A.,

at Habana.

Dear Sir!-

When, some time ago, I had the pleasure of receiving your courteous visit in this fortress, I had the honor of informing you that my case, legally considered, was comprised in the Amnesty decreed by General Calleja, as I was arrested at my home on the morning of the 24th. of February, that is, on the very day the Revolution commenced in this Island, and I was immediately after prosecuted.

General Calleja's Amnesty comprehended all the revolutionists who would present themselves within eight days following the promulgation; therefore, if the indulto is applicable to those who actually revolted in arms, with regard to those who did not, it is of more immediate application, because what covers the greater, covers the least.

In consideration of your intelligence and energy, I had expected you would have negotiated for my liberation with the Captain General, upon that basis, which is strictly just; that you would have asked him to apply in my case the general disposition which referred to the revolutionists in arms who would surrender to the authorities, on the grounds stated before, viz: that I did less than they, not having arisen in arms, but having been arrested in my house, before the execution of any hostile act.

I have waited for a word from you, kindly informing me of your efforts in my behalf; and as you have notified me nothing, I venture to trouble you requesting, as my right of freedom is evident, according to the terms of the

indulto, that you insist with the Spanish Authorities that I be reinstated in the liberty I have been deprived of, against which act the very text of the Amnesty protests.

With the right on your side, there is no doubt you will be heeded by the Spanish Authorities; and it does not matter if they plead that I am subjected to judicial proceedings, because all times and circumstances are opportune for the application of indultos, which refer to the moment of imprisonment and its cause; and, moreover, amnesties are gubernamental, and, therefore, are not subordinated to sentences of the Courts, but, to the contrary, such sentences and the foregoing proceedings, are made subservient to gubernamental resolutions ordering amnesties.

I beg of you, therefore, to insist upon obtaining from the Spanish Government, the application, so long delayed already, of a benefit that so fully includes me; and, with the greatest consideration for yourself, I have the honor of remaining,

Yours very respectfully,

(Signed) Julio Sanguily.

---------0---------

Enclosure No.

With Despatch No.

HABANA, September ,1896.

Copy.

United States Consulate General,

Habana, September 28th. 1896.

Julio Sanguily, Esquire,

Present.

Dear Sir:-

I have to acknowledge the receipt of your letter of the 23rd. instant, and in reply, have to say, that in the belief your case had been sent to Spain on appeal and that any intervention on the part of this Consulate General would be unauthorized, and that even the Captain General, if he were favorably disposed, would be powerless to do anything, I had not taken any steps before this Government in the matter of asking an indulto or pardon from the Spanish Government, especially as I had no instructions from the Department of State upon the subject, because the action of the Court before my arrival here carried your case beyond my jurisdiction and out of my reach. No change in the decision of the Court can be made except by the Madrid Government, and my position does not allow me to communicate directly with said Government.

I will transmit to the Department of State a copy of your letter to me and call attention to the reasons you set forth for the application in your case of General Calleja's amnesty proclamation of the 27th. of February, 1895, and ask that every effort be made to settle your case by pardon: and I beg to assure you that I shall be pleased to carry out whatever instructions I may receive in your case, especially if they tend to ameliorate your condition or obtain your release.

Very respectfully, your obedient servant,

(Signed) Fitzhugh Lee

Consul General.

N.

DIPLOMATIC
OCT 13 1896
BUREAU

Mr Adee
To Madrid
Oct. 11/96

ASSISTANT SECRETARY
OCT 5 1896
DEPARTMENT OF STATE

No. 153.

INDEX BUREAU
REC'D.
OCT 3 1896
DEPT. OF STATE

U . S CONSULATE GENERAL.

H A B A N A , September 30,1896.

Mr. LEE

to the

Department of State.

---o---

Observations on the case of SAMUEL T.TOLON.

---o---

No. 153.

Consulate General of the United States,

Habana, September 30th. 1896.

Hon: William W. Rockhill,

Assistant Secretary of State,

Washington, D.C.

Sir:-

With a view to a settlement of future controversies involved in the case of the American citizen, Mr. Samuel T. Tolon, I have the honor to submit the following statement confirming my previous brief official declarations on the subject.

This citizen came from Cardenas to this city for the purpose of going to New York; after he was here a few days he obtained from this office his passport, which was duly placed in the office of the Regional Governor where it remained under the usual regulations for 24 hours, and at the expiration of that time was duly visaed, thus placing Mr. Tolon in a position, by official sanction, to depart in the regular manner from this Island.

Under the forms here it is necessary for a passenger to have his name placed in the regular passenger list two hours previous to the sailing of the steamer; but failing in this, the privilege exists to get his name placed upon what is termed a supplementary passenger list, which is generally completed an hour before sailing. Mr. Tolon reached the office of the agents of the Ward steamship Company too late to get his name put on the first passenger list, but was duly enrolled in the supplementary list, and went on board with his baggage.

When the roll is completed the passenger gives up to the steamer's agent his papers, who in turn hands them to the proper officer of the harbor police. This person then

goes on board of the steamer and a few moments before said steamer departs gives the passports of the passengers to the purser of the steamer,and the latter returns said passports to passengers when he takes up their tickets.

On the third of September about ten minutes previous to the departure of the Ward Line Steamer "Seneca",the harbor inspector of police arrested Mr.Tolon in the smoking room of the steamer,just before he returned the passports to the purser; producing no warrant or other paper directing him to make the arrest or giving Mr.Tolon in any form the nature of the charges against him,but compelling him to leave the steamer with him,and conveying him to the police station in this city where he was placed "incomunicado".

The first ten days of his confinement he was kept on the interior porch of the court yard under guard of armed sentinels; after that,namely,on the 13th.of September he was thrown into a small,filthy cell whose dimensions,I am informed,were about 6 by 12 feet. There he was kept in solitary confinement,and was not allowed the privilege possessed by other prisoners in similar situation of reading and writing,and of course being "incomunicado" he could hold no intercourse with <u>any one</u>.

Mr.Tolon represents this horrid cell as being so hot he was obliged to remain most of the time without any clothes on,in a naked condition,and for the first five days the cell was not cleaned and became so offensive from the smell that he was obliged to put his head day and night most of the time as far as possible out of the single,small barred window. He was taken out and placed in the porch he formerly occupied,but was not placed in communication nor allowed to see those who desired to see him until 24 hours before his release.

Previous to receiving your cable despatch,dated the 25th.instant,citing the case of Francisco Carrillo (Foreign Relations of the U.S.,1895,part 2nd.,page 1220) I had asked

the Captain General,in a personal interview as well as in an official communication,to release Mr.Tolon on the condition that he leave the Island. General Weyler ~~Weyler~~ assented to my proposition previous to my communication of the 24th. instant,in which I demanded that Mr.Tolon be immediately tried according to law or that he be released at once and in which,as I have said,I cited the Carrillo case. As Mr. Tolon intended to leave the Island in any event,and any other course might have subjected him to longer imprisonment,with perhaps a doubtful result,I thought it would be better to accept a conditional offer of release rather than insist upon an unconditional offer,or its alternative,a speedy trial in accordance with the law. I claimed that Mr.Tolon's arrest was in violation of Article 48 of the Spanish Laws relating to Foreigners of July 4th.1870,inasmuch as there was no notification given to the Consul General of his arrest and that the action of the authorities here violated also Articles 386,496,497,499,501,505,506, 507,508,520 and 522 of the Law of Criminal Procedure ruling in Cuba and Porto Rico.

General Weyler on the other hand claims that the passport and other papers of Mr.Tolon necessary for his departure were still in the hands of the police officer and had not been transferred to the purser at the moment of his arrest,and that,therefore,his being a passenger was not an accomplished fact,that at the time,he was subjected to detention and not regular arrest and,therefore,no warrant was necessary,and,finally,that there was a state of war here, which susperded the Spanish Constitution and laws. In this way General Weyler answered my protest against this violation of said laws,and my assertion that a state of war or a state of siege,did not interfere with the original rights of American citizens,guaranteed to them by the treaties and Protocol,still in force between the United States and Spain.

I respectfully submit that this subject be referred to

the Madrid Government,recalling attention to the Carrillo case and requesting that the Governor and Captain General here be instructed to comply hereafter with the existing Protocol and treaties and the Spanish laws,so far as they affect the rights of American citizens.

I am,Sir,

Your obedient servant,

Fitzhugh Lee

Consul General.

154

DIPLOMATIC
OCT 13 1896
BUREAU.

To Madrid
Oct 14 96

ASSISTANT SECRETARY
OCT 5 1896
DEPARTMENT OF STATE.

No. 154.

INDEX BUREAU
REC'D.
OCT 3 1896
DEPT. OF STATE

U.S.CONSULATE GENERAL.

HABANA, September 30th, 1896.

-----o-----

Mr. LEE

to the

Department of State.

-----o-----

Case of Samuel T.Telon.

Transmitttting a claim against the Spanish Goverrmert for indemnity.

-----o-----

One enclosure.

-----o-----

No. 154.

U.S.CONSULATE GENERAL.

H A B A N A , September 30th,1896.

Hon: William W.Rockhill,

Assistant Secretary of State,

Washington. D. C.

Sir:-

I have the honor to transmit herewith copy of a statement made before me by Mr.SAMUEL T.TOLON,a citizen of the United States,in which is embodied a claim against the Spanish Goverrment for losses and damages to his personal and business interests and injury to his health by reason of his recent arrest and unwarranted imprisonment,wherefore he claims an indemnity to the amount of one hundred and fifty thousand dollars, American gold.

I am, Sir, very respectfully,

Your obedient servant,

Fitzhugh Lee

Consul General.

One enclosure :

Copy of protest and claim referred to.

Enclosure No.1.

With Despatch No.154.

H A B A N A ,September 30th,1896.

COPY.

UNITED STATES CONSULATE GENERAL at

H A B A N A , September 29th,1896.

BE IT KNOWN that on this twenty ninth day of September, one thousand eight hundred and ninety six,before me,the undersigned,Consul General of the United States of America at Habana Cuba,personally appeared Mr.SAMUEL T.TOLON,to me known and duly sworn declared and stated as follows:

That his name is SAMUEL T.TOLON,a native of this Island, and a citizen of the United States,having been naturalized in the Court of Common Pleas for the City and County of New York on September 5th,1878,and duly registered in this Consulate General under number 3682,on October 18th,1878; that he is a merchant,established in Cardenas,Cuba,since the year 1890,~~engag~~ engaged in the molasses,boiling,warehouse,lumber and coal yard, lighterage and general shipping and commission business; that he is married,is 40 years of age;and that he is a taxpayer to the Spanish Government.

That on the morning of the first of September,1896,he left Cardenas for this city by the steamer "Narciso Deulofeu" with the intention of leaving for the United States on business; that having exclusively devoted himself to his business aforesaid he apprehended no interruption whatsoever connected in any way with the present disturbed state of affairs in this Island; that he arrived at Habana on the evening of the same day and on the following,namely,the 2nd day of September,1896,he appeared at this Consulate General of the United States for the purpose

of obtaining the necessary passport or papers for leaving this Island; that a passport in the usual form was issued to him by this Consulate General of the United States,which was taken to the office of the Governor of the Western Region of the Island of Cuba and of the Province of Habana,the proper authority to visa such passports; that the aforesaid documents remained in the office of the said authority under the regulations at present ruling in this Island,the proper time,and was duly visaed, thus enabling the deponent to obtain his passage for the United States; that on the 3rd day of September,1896,he repaired to the office of Messrs.Hidalgo and Company,agents in this city of the "New York and Cuba Mail Steamship Line",where he duly obtained his passage ticket for New York per steamer "Seneca", which was to sail that afternoon; that about 4 p.m. of the same day,namely,the 3rd of September aforesaid he proceeded on board the "Seneca"in the steam launch of Messrs.Hidalgo and Company accompanied by other gentlemen,among them the steamer clerk of the said agents of the said steamship Company; that shortly after his arrival on board,with the proper passage ticket in his possession,and his baggage already on board admitted in presence of the usual Spanish police and customs officers on guard at the vessel's gangway; and about ten minutes before the departure of the steamer the inspector of police of the Habana harbor,who at the head of his officers had called the names of the passengers from the smoking room of the steamer,leaving that of the deponent for the last, approached the deponent and arrested him in the said smoking room; that the said police officer produced no warrant or other paper directing him to make the arrest or gave the deponent in any form the nature of the charges against him,but compelled him,without paying any attention to his demand to know

the cause of such proceeding on the part of the police, to leave the steamer with them; that he was taken to the chief police station of this city, police headquarters, and there imprisoned ("incommunicado") strictly deprived of all outside communication; that he was kept for the ten following days in the interior porch of the court yard of said police station under a guard of armed sentinels; that after that, namely, on the 13th day of September, 1896, he was thrust into a small filthy cell whose dimensions were about six by twelve feet, where he was kept still in solitary confinement and was not even allowed the privilege possessed by other prisoners in a similar situation of reading and writing; that the cell was so hot he was obliged to remain most of the time without any clothes on in a naked condition; that during the first five days the cell was not cleaned and became so offensive from the stench that he was obliged to keep his head most of the time as far as possible out of the single, small barred window of the cell; that in this condition he was kept until the 21st of September, 1896; that on the day previous, Sunday, the 20th, he was allowed an interview with the United States Consul General, who, however, was not permitted to visit him in his cell, but he was taken into the presence of the Chief of Police, that the Consul assured him of his sympathy and that he was doing every thing possible under the instructions of the Department of State, to obtain his release; that he declared to the Consul General that he had no knowledge of the cause of his arrest or of the charges against him; that he had no connection whatever with revolutionary matters, or any participation therewith in the slightest degree, and desired to be released, even if expelled from the Island; the next day the 21st, he was taken out of the cell and placed in the porch he formerly occupied; but he was not yet placed in communication, nor allowed to see those who desired to

see him, nor speak to any one until 24 hours before his release, which took place on the 28th of September, 1896, upon the request of the U.S. Consul General, who obtained it from the [redacted] Governor and Captain upon the condition that he should leave by the first steamer leaving for the United States.

AND this deponent does solemnly PROTEST against the losses and damages sustained by him in his personal and business interests, and to his health caused by his long unwarranted and unjust imprisonment, and expulsion from the Island; and doth declare as a citizen of the United States, that the rights assured him by Treaty have been violated in his case, as well as the several corresponding articles of the Code of Criminal Procedure, inasmuch as by treaty between the United States and Spain, and specially the Protocol of January 12th, 1877, he was amenable only to the ordinary civil jurisdiction.

THEREFORE, he considers himself as entitled to receive an indemnity from the Spanish Government, for the loss and damage to his person and business interests as aforesaid and the prejudice to his health and jeopardy of his life, caused as herein before set forth, and doth estimate the same in the sum of ONE HUNDRED and FIFTY THOUSAND DOLLARS, in American gold, with interest thereon until time of payment, and doth hereby make formal demand and claim upon the said Spanish Government for the amount of said indemnity, and such further relief as may be accorded him in the premises.

(Signed) SAMUEL T. TOLON.

U.S. CONSULATE GENERAL.
HABANA, September 29, 1896.

On this 29th day of September, 1896 before me, the under-

signed,U.S.Consul General at Habana,personally appeared Mr. SAMUEL T.TOLON,a citizen of the United States,and personally known to me to be the person named in the foregoing instrument, which is of the nature of a protest against the Spanish Government,and a claim for indemnity,to which he hath subscribed,his name,and duly sworn deposed to the facts therein set forth,whic he declares to be true.

Witness my hand and official seal at Habana,this 29th day of September,1896.

(Signed) Fitzhugh Lee,

Consul General.

A true copy.

Fitzhugh Lee

Consul General.